

**FEDERAL REGISTER**  
 VOLUME 16      1934      NUMBER 206

Washington, Tuesday, October 23, 1951

**TITLE 3—THE PRESIDENT  
PROCLAMATION 2949**

TERMINATING IN PART PROCLAMATION NO.  
2929<sup>1</sup> OF JUNE 2, 1951  
BY THE PRESIDENT OF THE UNITED STATES  
OF AMERICA  
A PROCLAMATION

1. WHEREAS (pursuant to the authority vested in the President by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended by section 1 of the Act of June 12, 1934, by the joint resolution approved June 7, 1943, by sections 2 and 3 of the Act of July 5, 1945, and by sections 4 and 6 of the Trade Agreements Extension Act of 1949 (ch. 474, 48 Stat. 943; ch. 118, 57 Stat. 125; ch. 269, 59 Stat. 410 and 411; 63 Stat. 698), the period for the exercise of the said authority having been extended by section 3 of the Trade Agreements Extension Act of 1949 until the expiration of three years from June 12, 1948) on April 21, 1951, I entered into a trade agreement providing for the accession to the General Agreement on Tariffs and Trade of the Governments of the Republic of Austria, the Federal Republic of Germany, the Republic of Korea, the Republic of the Philippines, the Republic of Peru, and the Republic of Turkey and for the application of the relevant provisions of the said General Agreement to additional schedules of concessions relating to countries already contracting parties thereto, including

the Kingdom of Belgium, the United States of Brazil, Canada, the Kingdom of Denmark, the Dominican Republic, the French Republic, the Republic of Indonesia, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Kingdom of Norway, and the Kingdom of Sweden, which trade agreement consists of the Torquay Protocol to the General Agreement on Tariffs and Trade, dated April 21, 1951, including the annexes thereto ("The Torquay Protocol to the General Agreement on Tariffs and Trade and the Torquay Schedules of Tariff Concessions", Geneva, 1951);

2. WHEREAS, by Proclamation No. 2929 of June 2, 1951 (16 F. R. 5381), I proclaimed such modifications of existing duties and other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States of America as were then found to be required or appropriate to carry out the said trade agreement on and after June 6, 1951, which proclamation has been supplemented by notifications of the President to the Secretary of the Treasury of June 2, 1951 (16 F. R. 5386), June 29, 1951 (16 F. R. 6607), July 23, 1951 (16 F. R. 7379), September 10, 1951, as amended (16 F. R. 9215; 16 F. R. 9715), September 18, 1951 (16 F. R. 9551), and October 2, 1951 (16 F. R. 10047);

3. WHEREAS, item 1530 (c) in Part I of Schedule XX contained in Annex A to the said Torquay Protocol reads as follows:

Item paragraph	Description of product	Rate of duty
1530 (c).....	Leather (except leather provided for in subparagraph (d) of paragraph 1530, Tariff Act of 1930), made from hides or skins of animals (including fish and birds, but not including cattle of the bovine species), in the rough, in the white, crust, or russet, partly finished, or finished: Made from goat, kid, lamb, or sheep skins (except garment and glove leather). Garment and glove (except leather made from goat, kid, lamb, sheep, pig, or reptile skins)	10% ad val. 10% ad val.

4. WHEREAS the first subdivision of the item specified in the third recital of this proclamation was not intended to cover chamois leather, but such leather inadvertently was not excluded from the description of the products on which

the concession was granted, and the rate of duty specified at the right of the description of products in the said item 1530 (c) has been applied to chamois leather since June 6, 1951, pursuant to notification by the President to the Secretary of the Treasury (16 F. R. 5386).

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<sup>1</sup> 16 F. R. 5381.



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that on and after such date the concession represented by such rate should not be withheld;

Tariff Act of 1930	Description of product	Rate of duty
1530 (c)	Leather (except leather provided for in sub-paragraph (d) of paragraph 1530, Tariff Act of 1930), made from hides or skins of animals (including fish and birds, but not including cattle of the bovine species), in the rough, in the white, crust, or russet, partly finished, or finished: Made from goat, kid, lamb, or sheep skins (except chamois, garment, and glove leather) Garment and glove (except leather made from goat, kid, lamb, sheep, pig, or reptile skins)	* * * 10% ad val. 10% ad val.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States to be affixed.

DONE at the City of Washington this nineteenth day of October in the year of

our Lord nineteen hundred and

[SEAL] fifty-one, and of the Independence of the United States of

5. WHEREAS, after being notified by the United States of its intention to effect the withdrawal of the said concession on chamois leather, the Contracting Parties to the General Agreement have interposed no objection to such withdrawal; and

6. WHEREAS the said section 350 of the Tariff Act of 1930, as amended, authorizes the President to terminate in whole or in part any proclamation carrying out a trade agreement entered into under such section;

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including the said section 350 of the Tariff Act of 1930, as amended by the acts specified in the first recital of this proclamation, do proclaim that the said proclamation of June 2, 1951 is hereby terminated in part, to the extent that after the close of business November 19, 1951, it shall be applied as though item 1530 (c) in Part I of Schedule XX contained in Annex A to the said Torquay Protocol were stated as follows:

America the one hundred and seventieth.

HARRY S. TRUMAN  
By the President:

DEAN ACHESON,  
*Secretary of State.*

[F. R. Doc. 51-12774; Filed, Oct. 22, 1951;  
10:48 a. m.]

**RULES AND REGULATIONS****TITLE 7—AGRICULTURE****Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture****PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON****RECODIFICATION**

In accordance with the revised Federal Register Regulations (1 CFR Part 1), the format of the order, as amended (Order No. 57, as amended, 7 CFR Part 957), of the Secretary of Agriculture, regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon (including the requisite findings set forth therein), and the format of the Idaho-Eastern Oregon Potato Committee's rules and regulations (7 CFR Part 957), adopted

pursuant thereto with the approval of the Secretary of Agriculture, are recodified as hereinafter set forth. To facilitate cross reference between the aforesaid order, as amended, and the marketing agreement and to obviate possible difficulties in future amendatory proceedings, the regulatory sections of Marketing Agreement No. 98 shall be renumbered and the section headings redesignated to conform to the recodified order, as amended. The supplementary provisions of the said marketing agreement shall be renumbered as follows: §§ 957.93 *Counterparts*; 957.94 *Additional parties*; 957.95 *Order with marketing agreement*; 957.96 *Authorization to correct typographical errors*; 957.97 *Record of potatoes shipped*.

This recasting of the format and recodification is not intended, nor shall it be deemed, to make any substantive change in the provisions of the aforesaid order, as amended, of the Secretary, the

aforesaid marketing agreement, and the aforesaid rules and regulations of the Idaho-Eastern Oregon Potato Committee.

Done at Washington, D. C., this 18th day of October 1951.

[SEAL] CHARLES F. BRANNAN,  
*Secretary of Agriculture.*

SUBPART—ORDER, AS AMENDED, RELATIVE TO HANDLING

**FINDINGS AND DETERMINATIONS****Sec. 957.0 Findings and determinations.****DEFINITIONS**

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AUTHORITY: §§ 957.1 to 957.123 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c.

SUBPART—ORDER, AS AMENDED, RELATIVE TO HANDLING

SOURCE: §§ 957.1 to 957.2, inclusive, contained in Order No. 57, as amended, 15 F. R. 811.

§ 957.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Pocatello, Idaho, on August 29-30, 1949, upon proposed amendments to Marketing Agreement No. 98 and Marketing Order No. 57 regulating the handling of Irish potatoes grown in certain designated counties of Idaho and Malheur County, Oregon. Upon the basis of evidence introduced at such hearing, and the record thereof, it is found that:

(1) The terms and provisions of this order, as amended, prescribed, so far as practicable, such different terms, applicable to different production areas, as are necessary in order to give due recognition to the difference in production and marketing of such Irish potatoes;

(2) This order, as amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to any subdivision of said production area specified in this subpart would not effectively carry out the declared policy of the act;

(3) This order, as amended, and all of the terms and conditions of this order, as amended, will tend to effectuate the declared policy of the act with respect to Irish potatoes produced in said production area, specified in this order, as amended, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such Irish potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such Irish potatoes as will be in the public interest;

(4) All handling of potatoes grown in the production area and in the current of commerce between the production area and any point outside thereof, is either in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce;

(5) It is hereby found that (i) the seasonal average price for potatoes grown in the production area was less than parity in 13 of the 20 seasons 1928-1948 inclusive, as such parity was com-

puted in the manner used prior to January 1, 1950, and (ii) the seasonal average price for the 1949 crop of potatoes grown in the production area will not exceed, on the basis of the historical trend of prices for such potatoes, the current level of potatoe prices and production, and the level of support prices for the 1949 crop of potatoes, the parity level computed in the manner prescribed for use on and after January 1, 1950, by the act, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

(b) *Additional findings.* It is necessary, in the public interest, to make the effective date of this order, as amended, not later than January 19, 1950. Any delay beyond such effective date will seriously interfere with development and attainment of more efficient and orderly marketing of the remainder of the current 1949 crop of Irish potatoes grown in the production area than could be possible under present provisions of Marketing Order No. 57. The order, as amended, provides authority for regulating shipment of potatoes in special outlets, such as export, differently than for those shipped in domestic table stock channels so that orderly marketing can be developed and maintained. Marketing of the 1949 crop of potatoes grown within the production area has already begun. Some growers and handlers have waited for approval of this amended order so that they can ship in the export market sizes otherwise prohibited. The prompt issuance of this order, as amended, will serve the best interests of potato growers and handlers in the production area. It is also necessary to make this order, as amended, effective by the aforesaid date so that the Idaho-Eastern Oregon Potato Committee, the administrative agency provided for in the order, as amended, can make their recommendations as early as possible with respect to additional outlets now denied to them for certain sizes of potatoes. By promptly issuing this order, as amended, it will be possible for regulations to be formulated and issued so that producers will be in position to obtain the benefits of this amended program on as much of their 1949 crop of potatoes as is possible.

Compliance with this order, as amended, will not require any special preparation on the part of handlers which cannot be completed by the effective time of this subpart. Adequate notice will be given by the committee so that handlers will have sufficient time to make necessary preparations for compliance with rules and regulations which may be issued after the effective date of this subpart. The nature and provisions of the order, as amended, are well known to potato handlers in the production area since the public hearing thereon was held in August 1949, the recommended decision was published in the FEDERAL REGISTER on November 23, 1949, and the Secretary's decision was also published in the FEDERAL REGISTER in December 1949. In addition, a copy of the proposed order, as amended, with a ballot and information with respect to the referendum which was held December 12 through December 19, 1949, was sent to each potato grower of record within the production area. It is hereby found and

determined, in view of these facts and circumstances, that good cause exists for making this order, as amended, effective January 19, 1950, and that it would be contrary to public interest to delay the effective date thereof for 30 days after publication in the *FEDERAL REGISTER* (5 U.S.C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that:

(1) The marketing agreement, as amended, regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping Irish potatoes grown in the aforesaid area) who handled not less than fifty percent of the volume of potatoes covered by the order, as amended;

(2) The order, as amended, regulates the handling of such Irish potatoes in the same manner as, and is made applicable only to the persons in the respective classes of industrial and commercial activity specified in, the aforesaid marketing agreement;

(3) The issuance of the order, as amended, is favored or approved (i) by at least two-thirds of the producers who participated in a referendum conducted by the Secretary of Agriculture and who, during the representative period (July 1, 1948-June 30, 1949) determined by the Secretary of Agriculture, were engaged, within the production area specified therein, in the production of Irish potatoes for market, and (ii) by producers who participated in the aforesaid referendum, who, during the aforesaid representative period, produced for market, within the production area specified therein, at least two-thirds of the volume of Irish potatoes produced by all producers who participated in the said referendum.

*Order relative to handling.* It is hereby ordered, pursuant to the findings and determinations set forth in § 957.0, and pursuant to the aforesaid act, that such handling of potatoes, as defined in this order, as amended, shall, from and after the time specified in this subpart, be in conformity to and in compliance with the terms and conditions of this order, as amended.

#### DEFINITIONS

§ 957.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer, or member of the United States Department of Agriculture, who is, or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 957.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 957.3 *Person.* "Person" means an individual, partnership, corporation, association, or any organized group or business unit.

§ 957.4 *Production area.* "Production area" means all territory included within Malheur County, Oregon, and the counties of Adams, Valley, Lemhi, Clark, and Fremont in the State of Idaho, and all of the counties in Idaho lying south of the aforesaid counties in Idaho.

§ 957.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the aforesaid production area.

§ 957.6 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 957.7 *Seed potatoes.* "Seed potatoes" means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the State from which the potatoes are shipped, or other seed certification agencies which the Secretary may recognize and approve.

§ 957.8 *Handler.* "Handler" is synonymous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

§ 957.9 *Ship or handle.* "Ship" or "handle" means to pack, sell, transport, or in any other way to place potatoes in the current of interstate or foreign commerce between the production area and any point outside thereof, or so as directly to burden, obstruct, or affect any such commerce.

§ 957.10 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 957.11 *Committee.* "Committee" means the administrative committee, called the Idaho-Eastern Oregon Potato Committee, established pursuant to § 957.20.

§ 957.12 *Fiscal year.* "Fiscal year" means the period beginning on June 1 of each year and ending May 31 of the following year.

§ 957.13 *Grade and size.* "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (7 CFR 51.366), or amendments thereto, or modifications thereof, or variations based thereon;

(b) The United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture (7 CFR 51.367), or amendments thereto, or modifications thereof, or variations based thereon; or

(c) Standards for potatoes issued by the State from which the potatoes are shipped, or amendments thereto, or modifications thereof, or variations based thereon.

§ 957.14 *Export.* "Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 957.15 *District.* "District" means each one of the geographical divisions of the production area established pursuant to § 957.22.

#### ADMINISTRATIVE COMMITTEE

§ 957.20 *Establishment and membership.* (a) The Idaho-Eastern Oregon Potato Committee consisting of 8 members, of whom 5 shall be producers and 3 shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Persons selected as committee members or alternates to represent producers shall be individuals who are producers in the respective district for which selected, or officers or employees of a corporate producer in such district, and such persons shall be residents of the respective district for which selected.

(c) Persons selected as committee members or alternates to represent handlers shall be individuals who are handlers in the production area, or officers or employees of a corporate handler in the aforesaid area, and such persons shall be residents of the production area.

§ 957.21 *Term of office.* The term of office of committee members and alternates shall be for one year beginning on the first day of June and continuing until the end of the then current fiscal year, and until their successors are selected and have qualified. Committee members and alternates shall serve during the fiscal year for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the fiscal year and continuing until the end thereof, and until their successors are selected and have qualified.

§ 957.22 *Districts.* For the purpose of selecting committee members, the following districts of the production area are hereby established:

(a) *District No. 1.* The counties of Oneida, Power, Bingham, Butte, Clark, and all counties lying east thereof in Idaho;

(b) *District No. 2.* Malheur County, Oregon, and counties of Owyhee, Elmore, Boise, Valley, and all counties lying west thereof in Idaho;

(c) *District No. 3.* The remaining designated counties in Idaho included in the production area, and not included in District 1 or District 2.

§ 957.23 *Selection.* The Secretary shall select two producer members of the committee, with their respective alternates, from District No. 1, one producer member, with his respective alternate from District No. 2 and two producer members, with their respective alternates, from District No. 3 designated in § 957.22, which members and alternates shall represent the respective district from which they are selected. The Secretary shall also select one handler member of the committee, with his respective alternate, from each district.

§ 957.24 *Nominations.* The Secretary shall select the members and alternates of the Idaho-Eastern Oregon Potato

## RULES AND REGULATIONS

Committee from nominations made in the following manner:

(a) The committee shall hold or cause to be held prior to April 1 of each year after the effective date of this subpart, a meeting or meetings of producers and of handlers in each of the districts designated in § 957.22 to nominate committee members and alternates;

(b) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(c) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee;

(d) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal year;

(e) Only producers may participate in designating nominees for producer committee members, and their alternates. A producer who handles potatoes other than his own production shall not qualify as a producer under this section, if the potatoes of his own production constituted less than 51 percent of the total potatoes handled by such person during the previous season. Only handlers may participate in designating nominees for handler committee members and their alternates;

(f) Regardless of the number of districts in which a person produces or handles potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates: *Provided*, That in the event a person is engaged in producing or handling potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees: *Provided further*, That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

§ 957.25 *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to § 957.24, the Secretary may, without regard to nominations, select the committee members and alternates which selection shall be on the basis of the representation provided for in § 957.23.

§ 957.26 *Acceptance.* Any person selected by the Secretary as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 957.27 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the

manner specified in § 957.24, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in § 957.23.

§ 957.28 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member his alternate shall act for him until a successor of such member is selected and has qualified.

§ 957.29 *Procedure.* (a) A majority of members of the committee shall be necessary to constitute a quorum and at least five concurring votes will be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

§ 957.30 *Expenses and compensation.* Committee members or their respective alternates shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed \$5.00 for each day, or portion thereof, spent in attending to committee business.

§ 957.31 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 957.32 *Duties.* It shall be the duty of the Committee:

(a) To act as intermediary between the Secretary and any producer or handler;

(b) To select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(c) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(d) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing

conditions with respect to potatoes, and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary;

(e) To furnish to the Secretary such available information as he may request;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(g) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(h) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon;

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this subpart; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(j) To consult, cooperate and exchange information when deemed desirable by the committee with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives under this subpart.

## BUDGET, EXPENSES, AND ASSESSMENTS

§ 957.40 *Budget.* The committee shall prepare a budget for each fiscal year showing its anticipated expenses and a proposed rate of assessment to cover such expenses. The committee shall also transmit a report accompanying the budget showing the basis for its calculation of expenses and the proposed rate of assessment.

§ 957.41 *Expenses.* The committee is authorized to incur such expenses as the Secretary, upon the basis of the aforesaid budget, or on the basis of other available information, finds may be necessary during each fiscal year to perform its functions under this part and for such other purposes as may be appropriate pursuant to the provisions of this subpart.

§ 957.42 *Rate of assessment.* (a) The funds to cover such expenses shall be acquired by the levying on handlers of assessments which shall be at a rate fixed by the Secretary on the basis of the committee recommendation. Each handler who first ships potatoes shall pay assessments to the committee, upon demand, which assessments shall be such handler's pro rata share of the expenses which will be appropriately incurred by the committee during each fiscal year. Such handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year,

and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year.

(b) No assessment rate in excess of one dollar per carload or truck load shall be allowed under the provisions of this subpart.

**§ 957.43 Increasing rate of assessment.** Upon recommendation of the committee and upon a later finding relative to the committee's expenses or revenue, the Secretary may increase the rate of assessment to cover expenses which shall be appropriately incurred. Such increase shall be applicable to all potatoes handled during the given fiscal year.

**§ 957.44 Accounting.** All funds received by the committee pursuant to any provision of this part shall be used solely for the purposes specified in this subpart and shall be accounted for in the following manner:

(a) The Secretary may at any time require the committee and its members to account for all receipts and disbursements; and

(b) Whenever any person ceases to be a committee member or alternate, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

**§ 957.45 Refunds.** If, at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event proportionate refund shall be paid to him.

**§ 957.46 Collection of funds.** (a) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

(b) In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

#### REGULATIONS

**§ 957.50 Marketing policy preparation.** At the beginning of each fiscal year the committee shall consider and prepare a proposed policy for the marketing of potatoes during such fiscal year. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for potatoes. In such investigations the committee shall give appropriate consideration to the following:

(a) Market prices of potatoes, including prices by grade, size, and quality in wholesale or in consumer packs, or any other shipping unit;

(b) Potatoes on hand in the market areas and as manifested by supplies en route and on track at the principal markets;

(c) Supply of potatoes, by grade, size, and quality, in the production area and in other production areas;

(d) The trend and level of consumer income; and

(e) Other relevant factors.

**§ 957.51 Marketing policy reports.**

(a) The committee shall submit to the Secretary a report setting forth the aforesaid marketing policy. The committee shall also notify producers and handlers of the contents of such reports.

(b) In the event it becomes advisable to deviate from such marketing policy, because of changed supply or demand conditions, the committee shall formulate a new marketing policy, in accordance with the manner previously outlined. The committee shall also submit a report thereon to the Secretary and notify producers and handlers of such revised or amended marketing policy.

**§ 957.52 Committee recommendations.** The committee shall recommend regulation to the Secretary whenever it finds that such regulation, as provided in § 957.53 will tend to effectuate the declared purposes of the act. The committee may also recommend modification, suspension, or termination of any regulation in order to facilitate shipments of potatoes for the specified purposes set forth in § 957.54.

**§ 957.53 Issuance of regulations.** The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation will tend to effectuate the declared policy of the act. Such limitation may:

(a) Regulate, in any or all portions of the production area, the shipment of particular grades and sizes of any or all varieties of potatoes during any period; or

(b) Regulate the shipment of particular grades and sizes of potatoes differently for different varieties, for different portions of the production area, or any combination of the foregoing, during any period; or

(c) Regulate the shipment of potatoes by establishing and maintaining, in terms of grades, sizes, or both, minimum standards of quality and maturity.

**§ 957.54 Modification, suspension, or termination.** The Secretary, whenever he finds, upon the basis of the recommendations and information submitted by the committee, or from other available information, that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to §§ 957.40 to 957.46, inclusive, or § 957.53, or any combination thereof, in order to facilitate shipments of potatoes for the following purposes:

(a) For seed;

(b) For export;

(c) For distribution by the Federal Government under programs authorized by the Secretary;

(d) For manufacture or conversion into specified products;

(e) For livestock feed; and

(f) For other purposes which may be specified.

**§ 957.55 Minimum quantity exemption.** The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued or in effect pursuant to §§ 957.40 to 957.65, inclusive, or any combination thereof.

**§ 957.56 Notification of regulation.** The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

**§ 957.57 Safeguards.** (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to § 957.54 from entering channels of trade for other than the specific purpose authorized therefor.

(b) Safeguards, as prescribed in this section may include requirements that:

(1) Handlers shall file applications with the committee to ship potatoes pursuant to § 957.54;

(2) Handlers shall obtain inspection provided by § 957.65 or pay the pro rata share of expenses provided by §§ 957.40 to 957.46, inclusive, or both, in connection with potato shipments effected under the provisions of § 957.54: Provided, That such inspection or payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(3) Handlers shall obtain Certificates of Privilege from the committee for shipments of potatoes effected or to be effected under provisions of § 957.54.

(c) The committee, with the approval of the Secretary, shall prescribe rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by the committee.

(d) The committee may rescind or deny Certificates of Privilege to any shipper if proof is obtained that potatoes shipped by him for the purposes stated in § 957.54 were handled contrary to the provisions of this part.

(e) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(f) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested by the Secretary.

#### INSPECTION AND CERTIFICATION

**§ 957.65 Inspection and certification.** During any period in which the shipment of potatoes is regulated pursuant to the provisions of §§ 957.50 to 957.57,

## RULES AND REGULATIONS

inclusive, each handler who first ships potatoes shall, prior to making shipment, cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Each such handler shall make arrangements with the inspecting agency to forward promptly to the committee a copy of such inspection certificate.

## EXEMPTIONS

**§ 957.70 Procedure.** The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

**§ 957.71 Granting exemptions.** (a) The committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee: (1) That by reason of a regulation issued pursuant to §§ 957.50 to 957.57, inclusive, he will be prevented from shipping as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate production area, and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to ship the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of shipment.

(b) The committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee: (1) That by reason of a regulation issued pursuant to §§ 957.50 to 957.57, inclusive, he will be prevented from shipping as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings shipped by all handlers in said applicant's immediate shipping area, and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to ship the amount of potatoes specified thereon. Such certificate may be transferred with such potatoes at time of shipment.

(c) The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

**§ 957.72 Appeal.** If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant

of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

**§ 957.73 Records, reports, and review of exemptions.** (a) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

(b) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 957.70 to 957.73, inclusive.

## MISCELLANEOUS PROVISIONS

**§ 957.80 Reports.** Upon the request of the committee, with approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties under this subpart. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

**§ 957.81 Compliance.** Except as provided in this part, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall ship potatoes except in conformity to the provisions of this subpart.

**§ 957.82 Right of the Secretary.** The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

**§ 957.83 Effective time.** The provisions of this subpart shall become effective at such time as the Secretary may declare, and shall continue in force until terminated in one of the ways specified in this subpart.

**§ 957.84 Termination.** (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend

to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before April 30 of the then current fiscal year.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

**§ 957.85 Proceedings after termination.** (a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

**§ 957.86 Effect of termination or amendments.** (a) Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (1) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (2) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (3) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

(b) The persons who are committee members and alternates on the effective date of this subpart shall continue in office under this subpart until the end of the then current fiscal year (the following May 31), and until their suc-

sors have been selected and have qualified; and any regulations issued pursuant to §§ 957.20 to 957.57, inclusive or § 957.82, and all rules or regulations issued pursuant to Order No. 57, shall continue in effect until modified, suspended, or terminated by the Secretary in accordance with the provisions of this subpart.

**§ 957.87 Duration of immunities.** The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

**§ 957.88 Agents.** The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

**§ 957.89 Derogation.** Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

**§ 957.90 Personal liability.** No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

**§ 957.91 Separability.** If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

**§ 957.92 Amendments.** Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

#### SUBPART—RULES AND REGULATIONS

SOURCE: §§ 957.100 to 957.123, inclusive, appear at 15 F. R. 7119.

#### GENERAL

**§ 957.100 Communications.** Unless otherwise provided by specific direction of the committee, all reports, applications, submittals, requests, and communications in connection with the marketing agreement and order, as amended, shall be addressed to the committee at its principal office.

#### DEFINITIONS

**§ 957.110 Order, as amended.** "Order, as amended" means Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in Malheur County, Oregon, and the counties of Adams, Valley, Lemhi, Clark, and

Fremont in the State of Idaho, and all of the counties in Idaho lying south of the aforesaid counties in Idaho.

**§ 957.111 Marketing agreement.** "Marketing agreement" means Marketing Agreement No. 98.

**§ 957.112 Terms.** Terms used in this subpart shall have the same meaning as when used in the marketing agreement and order, as amended.

#### EXEMPTIONS

**§ 957.120 Application.** Producers and handlers applying for exemptions pursuant to §§ 957.70 to 957.73, inclusive, shall apply for such exemption on forms to be furnished by the committee. Each application shall state:

(a) The location of the applicant's farm or ranch, or, in the case of a handler, the cellar, warehouse, or storage facility where the stored potatoes are located;

(b) The number of acres of potatoes on said farm or ranch, and the location on the farm or ranch of the potato field or fields; or, in the case of a handler, the approximate hundredweight of ungraded potatoes in the cellar, warehouse, or storage facility, together with the location of such cellar, warehouse or facility;

(c) The estimated total production of potatoes, or, in the case of a handler, the approximate hundredweight of potatoes handled and to be handled, for the current season, stated in terms of varieties, hundredweights, grades and sizes;

(d) An estimate of the percentage of the applicant producer's potato crop, or, in the case of a handler, storage holding of ungraded potatoes, which cannot be shipped because of a regulation issued and in effect pursuant to §§ 957.50 to 957.57, inclusive, stated in terms of varieties, hundredweights, grades, and sizes;

(e) A statement of the amount, if any, of potatoes which have been sold during the current marketing season from the applicant's farm or ranch, or, in the case of a handler, approximate hundredweight of potatoes sold from the cellar, warehouse, or storage facility, of the applicant during the current marketing season;

(f) Certification that the statement is true and correct;

(g) Signature and address of the applicant.

**§ 957.121 Federal-State Inspector's report.** (a) Each exemption application filed with the committee shall be accompanied by a report of a Federal-State inspector, which shall contain the following:

(1) A statement by the inspector that he personally visited the farm, ranch, cellar, warehouse, or storage facility described in the application, and that a representative sample of the potatoes therein contained was taken by him.

(2) A statement of the percentage of the potatoes sampled by him which meet the grade, size, and quality requirements of regulation then in effect.

(3) A statement of the defects or damage causing such potatoes to fail to

meet such grade, size, and quality requirements.

(b) In the event that different regulations are in effect for different varieties of potatoes, the inspector's report shall show the above percentages for each variety separately. The cost of the above inspection shall be borne by the applicant for exemption. The committee, the manager thereof, or any specifically authorized representative thereof, may make such investigations as is deemed necessary to determine whether the exemption requested should be granted.

**§ 957.122 Issuance of certificate.** (a) Whenever the committee finds and determines, from proof satisfactory to the committee, that the applicant is entitled to an exemption certificate, the committee shall issue or authorize the issuance of an exemption certificate, which shall permit the applicant to ship, or cause to be shipped, such quantity of potatoes which fail to meet the minimum grade, size, and quality requirements in effect at the time thereof as will enable him to ship, or cause to be shipped, as large a proportion of his potatoes, in the case of a producer, as the average proportion of production for all producers in the applicant's immediate production area, as determined by the committee, or, in the case of a handler, as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings shipped by all handlers in said applicant's immediate shipping area, as determined by the committee.

(b) The manager of the committee, or any employee authorized by him, may issue exemption certificates for and on behalf of the committee, if the proof submitted by the applicant is satisfactory to evidence entitlement thereto: *Provided*, That the committee shall have first determined (1) the "immediate production area", (2) the "immediate shipping area", (3) the grades, sizes, qualities, or combinations thereof, of potatoes grown in such areas which would be available for shipment in the absence of any regulation, and (4) the "average proportions" or percentages referred to in § 957.71.

(c) If the committee, the manager, or employee authorized by the manager determines that the applicant is not entitled to an exemption certificate, the applicant shall be so advised in writing and given the reasons therefor.

(d) Each certificate of exemption issued as provided in this subpart shall contain the producer's or handler's name and address, the location of his farm or ranch, or, in the case of a handler, the location of his cellar, warehouse, or storage facility with respect to which the exemption is granted; the particular grade, size, and quality regulations from which exemption is granted; the amount of potatoes which may be shipped by virtue of such exemption; and such other information as may be necessary to evidence the rights of the producer or handler to ship potatoes which do not meet the requirements of particular grade, size and quality regulations. Each certificate of exemption

## RULES AND REGULATIONS

shall be transferable, in whole or in part, with the potatoes in accordance with the amount of potatoes transferred.

**§ 957.123 Reports and records.** For the purpose of enabling the committee to perform its functions, pursuant to the provisions of this part, each handler shall report shipments under exemption certificates to the committee in such form and at such times and substantiated in such manner as shall be prescribed by the committee. All forms, reports, correspondence and documents used, pursuant to this part, shall be kept on file by the committee and records thereof shall be maintained by the manager of the committee. A record of all exemption certificates issued (if any) shall be furnished weekly by the manager to the Secretary of Agriculture.

[F. R. Doc. 51-12709; Filed, Oct. 22, 1951; 8:52 a. m.]

**TITLE 14—CIVIL AVIATION****Chapter I—Civil Aeronautics Board**

[Regs., Serial No. SR-376]

**PART 4a—AIRPLANE AIRWORTHINESS****SPECIAL CIVIL AIR REGULATION; PROVISIONAL MAXIMUM TAKE-OFF WEIGHT FOR CERTAIN AIRPLANES UNDER 12,500 POUNDS OPERATED BY FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR**

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 17th day of October 1951.

Special Civil Air Regulation SR-344 authorized an increase of maximum take-off weight for certain airplanes under 12,500 pounds operated by the Fish and Wildlife Service, United States Department of the Interior. The provisions of this regulation expire October 25, 1951. Since the Department of the Interior expects to continue the use of these airplanes in the Territory of Alaska and the expiration of SR-344 would greatly curtail their operations, the Board considers it appropriate to extend the authorization currently provided by that regulation until October 25, 1953, unless sooner superseded or rescinded.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates this Special Civil Air Regulation, effective October 25, 1951, as hereinafter set forth:

1. The Administrator is hereby authorized to establish a maximum authorized weight for airplanes type certificated under the provisions of Aeronautics Bulletin No. 7-A of the Aeronautics Branch of the U. S. Department of Commerce, dated January 1, 1931, as amended, or under the normal category of Part 4a, which are operated entirely within the Territory of Alaska by the Fish and Wildlife Service, United States Department of the Interior, in the conduct of

its game and fish law enforcement activities.

2. The maximum authorized weight herein referred to shall not exceed any of the following:

- (a) 12,500 pounds,
- (b) 115 percent of the maximum weight listed in the CAA Aircraft Specification,

(c) The weight at which the airplane meets the positive maneuvering load factor requirement for the normal category specified in § 3.186 of the Civil Air Regulations,

(d) The weight at which the airplane meets the climb performance requirements under which it was type certified, or

(e) The sum of the following:

(1) The empty weight of the airplane as equipped,

(2) The actual weight of the maximum fuel and oil capacity of the airplane,

(3) The weight of the number of persons for whom seats are provided, computed at 170 pounds per person, and

(4) The weight of the maximum allowable baggage.

3. In determining the maximum authorized weight the Administrator shall also consider the structural soundness of the airplane and the terrain to be traversed in the operation.

4. The maximum authorized weight so determined shall be added to the airplane's operation limitations and identified as the maximum weight authorized for operations within the Territory of Alaska.

This regulation supersedes Special Civil Air Regulation SR-344, and shall terminate October 25, 1953, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 51-12693; Filed, Oct. 22, 1951; 8:50 a. m.]

[Regs., Serial No. SR-375]

**PART 4a—AIRPLANE AIRWORTHINESS****PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES****PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES****PART 45—COMMERCIAL OPERATOR CERTIFICATION AND OPERATION RULES****SPECIAL CIVIL AIR REGULATION; PROVISIONAL MAXIMUM TAKE-OFF WEIGHT FOR CERTAIN AIRPLANES UNDER 12,500 POUNDS OPERATED BY ALASKAN AIR CARRIERS**

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 17th day of October 1951.

Special Civil Air Regulation SR-337 which terminates October 25, 1951, authorized an increase of maximum take-

off weight for certain airplanes under 12,500 pounds operated by Alaskan air carriers. The factors which caused the Board to adopt the regulation initially are unchanged. Due to the requirement of economically continuing air carrier operation in this region, and since the domestic economy of the Territory is dependent thereon, the Board considers it appropriate to extend the authorization currently provided in SR-337 until October 25, 1953, unless sooner superseded or rescinded.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates this Special Civil Air Regulation, effective October 25, 1951, as hereinafter set forth.

1. The Administrator is hereby authorized to establish a maximum authorized weight for airplanes type certificated under the provisions of Aeronautics Bulletin No. 7-A of the Aeronautics Branch of the U. S. Department of Commerce, dated January 1, 1931, as amended, or under the normal category of Part 4a, which are operated entirely within the Territory of Alaska by Alaskan air carriers as designated by Part 292, as amended, of the Board's Economic Regulations.

2. The maximum authorized weight herein referred to shall not exceed any of the following:

(a) 12,500 pounds,

(b) 115 percent of the maximum weight listed in the CAA Aircraft Specification,

(c) The weight at which the airplane meets the positive maneuvering load factor requirement for the normal category specified in § 3.186 of the Civil Air Regulations,

(d) The weight at which the airplane meets the climb performance requirements under which it was type certified, or

(e) The sum of the following:

(1) The empty weight of the airplane as equipped,

(2) The actual weight of the maximum fuel and oil capacity of the airplane,

(3) The weight of the number of persons for whom seats are provided, computed at 170 pounds per person, and

(4) The weight of the maximum allowable baggage.

3. In determining the maximum authorized weight the Administrator shall also consider the structural soundness of the airplane and the terrain to be traversed in the operation.

4. The maximum authorized weight so determined shall be added to the aircraft's operation limitations and identified as the maximum weight authorized for air carrier operations within the Territory of Alaska.

This regulation supersedes Special Civil Air Regulation SR-337, and shall terminate October 25, 1953, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. In-  
terprets or applies secs. 601, 603, 604, 53 Stat.  
1007, 1009, 1010; 49 U. S. C. 551, 559, 554.)

By the Civil Aeronautics Board.

[Seal] M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 51-12692; Filed, Oct. 22, 1951;  
8:49 a. m.]

This amendment shall become effective upon publication in the FEDERAL REGISTER.

F. B. LEE,  
Acting Administrator of  
Civil Aeronautics.

[F. R. Doc. 51-12675; Filed, Oct. 22, 1951;  
8:45 a. m.]

## Chapter II—Civil Aeronautics Admin- istration, Department of Commerce

[Amdt. 2]

### PART 408—ENFORCEMENT PROCEDURES

#### CIVIL PENALTIES

Section 408.23, published on December 30, 1950, in 15 F. R. 9444, is amended by substituting "The General Counsel of the Administration will accept or refuse the offer of compromise," for "The Administrator in any case, or a Deputy Adminis-  
trator in any case except one involving a scheduled air carrier, will accept or refuse the offer of compromise."

(See. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 901, 52 Stat. 1015, as amended; 49 U. S. C. 621)

Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 406]

### PART 825—RENT REGULATION UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

#### CALIFORNIA AND TEXAS

Amendment 406 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulation is amended in the following respect:

1. In Schedule A, Item 34 is amended to read and a new Item 320 is added, all as follows:

## TITLE 24—HOUSING AND HOUSING CREDIT

### Chapter VIII—Office of Rent Stabiliza- tion, Economic Stabilization Agency

[Controlled Housing Rent Reg., Amdt. 411]

### PART 825—RENT REGULATION UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

#### CALIFORNIA AND TEXAS

Amendment 411 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12). Said regulation is amended in the following respect:

1. In Schedule A, Item 34 is amended to read and a new Item 320 is added, all as follows:

State and name of defense-rental area	Class	County or counties in defense-rental areas under regulation	Maximum rent date	Effective date of regulation	Parties involved
California					
(34) Richmond-Valleyo.....	B	Contra Costa County, except the cities of Brentwood, Martinez, and Walnut Creek; and Solano County.....	Jan. 1, 1941	Aug. 1, 1942	Contra Costa County, except the cities of Brentwood, Martinez and Walnut Creek.
	C	Solano County.....	Sept. 1, 1950	Oct. 23, 1951	
Texas					
(320) Florence-Killeen-Temple	A	Bell and Coryell Counties; in Williamson County, Precincts 4 and 5.	July 1, 1950	Do.	Bell and Coryell Counties; in Williamson County, Precincts 4 and 5.

2. Item 25 of Schedule B is hereby revoked.  
(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)  
This amendment shall be effective October 23, 1951.  
Issued this 19th day of October 1951.

JOHN J. MADIGAN,  
Acting Director of Rent Stabilization.  
[F. R. Doc. 51-12738; Filed, Oct. 22, 1951; 8:45 a. m.]

## TITLE 29—LABOR

### Chapter V—Wage and Hour Division, Department of Labor

#### PART 686—SHOE MANUFACTURING AND ALLIED INDUSTRIES IN PUERTO RICO MINIMUM WAGE ORDER

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), notice was published in the FEDERAL REGISTER on October 2, 1951 (16 F. R. 10028-10029), of my decision to approve the minimum wage recommendation of Special Industry Committee No. 10 for Puerto Rico for the shoe manufacturing and allied industries in Puerto Rico, and the revised wage order for that industry which I proposed to issue to carry such recommendation into effect was pub-

lished therewith. Interested parties were given an opportunity to submit exceptions within 15 days from the date of publication of the notice. No exceptions have been received within the 15-day period. Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), the said decision is hereby affirmed and made final, and the wage order contained in this part is hereby revised to read as set forth in the October 2, 1951 issue of the FEDERAL REGISTER (16 F. R. 10028-10029), to become effective November 26, 1951.

Sec. 686.1 Approval of recommendation of in-

dustry committee.

686.2 Wage rate.

686.3 Notices of order.

JOHN J. MADIGAN,  
Acting Director of Rent Stabilization.  
[F. R. Doc. 51-12736; Filed, Oct. 22, 1951; 8:45 a. m.]

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Sec.

**686.4 Definition of the shoe manufacturing and allied industries in Puerto Rico.**

AUTHORITY: §§ 686.1 to 686.4 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

**§ 686.1 Approval of recommendation of industry committee.** The Committee's recommendation is hereby approved.

**§ 686.2 Wage rate.** Wages at a rate of not less than 35 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the shoe manufacturing and allied industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

**§ 686.3 Notices of order.** Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the shoe manufacturing and allied industries in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

**§ 686.4 Definition of the shoe manufacturing and allied industries in Puerto Rico.** (a) The manufacture or partial manufacture of footwear from any material and by any process except knitting (including crocheting), vulcanizing of the entire article or vulcanizing (as distinct from cementing) of the sole to the upper. The term footwear as used herein includes but without limitation: Athletic shoes, boots, boot tops, burial shoes, custom-made boots and shoes, moccasins, puttees (except spiral puttees), sandals, shoes completely rebuilt in a shoe factory, and slippers.

(b) The manufacture from leather or from any shoe upper material of all cut stock and findings for footwear, including bows, ornaments and trimmings: *Provided, however,* That the production of bows, ornaments and trimmings by a manufacturer not otherwise covered by this definition shall not be included.

(c) The manufacture of the following types of cut stock and findings for footwear from any material except from rubber or composition of rubber, molded to shape: Outsoles, midsoles, insoles, taps, lifts, rands, toplifts, bases, shanks, boxtoes, counters, stays, stripping, sock linings, and heel pads.

(d) The manufacture of heels from any material except molded rubber, but not including the manufacture of wood-heel blocks.

(e) The manufacture of cut upper parts for footwear, including linings, vamps and quarters.

(f) The manufacture of pasted shoe stock.

(g) The manufacture of boot and shoe patterns.

This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that

such definitions include products or operations covered by the definition of this industry.

Signed at Washington, D. C., this 18th day of October 1951.

WM. R. McCOMB,  
Administrator,  
Wage and Hour Division.

[F. R. Doc. 51-12691; Filed, Oct. 22, 1951;  
8:48 a. m.]

## TITLE 32A—NATIONAL DEFENSE, APPENDIX

### Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 17, Amdt. 4]

CPR 17—GASOLINES, NAPHTHAS, FUEL OILS AND LIQUEFIED PETROLEUM PRODUCTS, NATURAL GAS, PETROLEUM GAS, CASING-HEAD GAS AND REFINERY GAS

#### CLARIFYING AMENDMENT

Pursuant to the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951 (Pub. Law 774, 81st Cong., Pub. Law 96, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to Ceiling Price Regulation 17 (16 F. R. 3033), is hereby issued.

#### STATEMENT OF CONSIDERATIONS

The present amendment clarifies certain sections of Ceiling Price Regulation 17. Section 1 is amended to list special hydrocarbon fractions used in manufacturing synthetic rubber, aviation gasoline, benzene, toluene, xylene or their components, some sales of which are exempted from price control by Ceiling Price Regulation 17. The spelling of "benzine" is changed to "benzene" to conform to the technical spelling of the product intended and generally understood to be referred to in section 1, 2 (e) and 2 (g). Section 4 is amended to prevent exempted products and transactions from falling under the terms of Ceiling Price Regulation 22. Sections 9, 12 and 13 have been amended so that these general provisions will read the same in both Ceiling Price Regulation 17 and Ceiling Price Regulation 63. Section 23a (c) (1) and 23a (c) (2) are amended to show more clearly that a seller not wishing to use his long-term contracts under section 23a (c) (1), or his existing contracts under section 23a (c) (2), for determining his ceiling prices may use the competitive or in-line method of pricing described in section 23a (c) (3). Such sellers established their prices on the basis of a generally prevailing market price and are permitted to continue to do so when new contracts are entered into. Section 25 is amended to permit the industry to carry out fractions of cents in line with customary business practice in order to simplify billing and accounting procedures. Section 26 is amended to indicate that the filing required under that section is a report of a ceiling price and not a request for approval and therefore constitutes the seller's ceiling price un-

less or until changed by the Office of Price Stabilization.

Prior to the issuance of these amendatory provisions the Director of Price Stabilization consulted with a large number of persons representing a substantial part of the industry.

#### FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the changes set forth in these amendatory provisions are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

#### AMENDATORY PROVISIONS

Ceiling Price Regulation 17 is amended in the following respects:

1. Section 1 is amended by including in the list of petroleum products the following:

Special hydrocarbon fractions used in manufacturing synthetic rubber, aviation gasoline, benzene, toluene or xylene or their components.

2. The spelling of "benzine" is changed to "benzene" where it appears in section 1, section 2 (e) and section 2 (g).

3. Section 4 is amended to read as follows:

**SEC. 4. Products and transactions excepted from the General Ceiling Price Regulation and Ceiling Price Regulation 22.** Any products or transactions excepted from the coverage of this regulation by section 2 are also excepted from the provisions of the General Ceiling Price Regulation and Ceiling Price Regulation 22.

4. Section 9 is amended to read as follows:

**SEC. 9. Adjustable pricing.** Any person may agree to sell at a price which can be increased up to the ceiling price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Stabilization, deliver at prices to be adjusted upward in accordance with action taken by the Director after delivery. Such authorization may be given when a request for a change in the applicable ceiling price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Defense Production Act of 1950, as amended. The authorization may be given by the Director or by any official of the Office of Price Stabilization to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

6. Section 12 is amended to read as follows:

**SEC. 12. Price revisions incident to orders establishing specific prices.** The Director of Price Stabilization may by supplementary regulation or by special order establish specific ceiling prices or otherwise modify the provisions of this

regulation with respect to certain products, transactions or geographical area.

7. Section 13 is amended to read as follows:

**Sec. 13. Shifts which must be reported.** Where a seller has established a ceiling price on a delivered-at-destination basis at a given point for a particular petroleum product to a purchaser and thereafter sells such purchaser on an f. o. b. shipping point price basis, he shall report such shift to the Director of Price Stabilization within thirty days after the date such sale is made if the effect of selling on an f. o. b. shipping point price basis is to increase the laid-down cost to the purchaser above the seller's delivered-at-destination ceiling price to such purchaser. However, a seller may not shift to an f. o. b. shipping point price basis unless he has an f. o. b. shipping point ceiling price properly determined under the appropriate provisions of this regulation. The Director of Price Stabilization may by special order modify the terms and provisions applicable to such sales when in his judgment, the reported shift constitutes an evasion of the purposes of this regulation.

8. Section 23a (c) (1) is amended by deleting subdivision (ii) therefrom and by inserting therefor the following: "(ii) (Deleted)".

9. Section 23 a (c) (2) is amended to read as follows:

(2) *Existing contracts.* (i) Where a buyer and seller have entered into a contract prior to January 25, 1951 such contract may be carried out in accordance with its terms, notwithstanding any other provisions of this regulation.

(ii) All long term written contracts in effect in the base period may be used, in accordance with the terms of such contracts, as the basis for determining ceiling prices for all purchasers of the same class notwithstanding the provisions of subparagraph (1) of this paragraph.

10. Section 23 a (c) (3) (i) is amended by adding after the words "under subparagraph (1) of this paragraph," the words: "or in cases falling under subparagraph (2) the seller does not choose to determine his ceiling under subparagraph (2)."

11. Section 25 is amended by adding paragraph (b) to read as follows:

(b) A seller adding transportation increases may round out fractions of cents per gallon in line with his customary base period practices.

12. Section 28 (a) is amended by deleting the second and third sentences thereof and substituting therefor the following: "If a seller wishes, he may file a ceiling price before making a sale. If the ceiling price is not filed in advance he must within 15 days after making the sale file with the Petroleum Branch of the Office of Price Stabilization, Washington 25, D. C. a written report of the ceiling price including a statement setting forth."

13. Section 28 (b) is amended to read as follows:

(b) The price filed shall be the seller's ceiling price at the shipping point or delivery point for the particular product unless or until a substitute ceiling price is established.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

*Effective date.* This amendment shall become effective October 27, 1951.

MICHAEL V. DiSALLE,  
Director,  
Office of Price Stabilization.

OCTOBER 22, 1951.

[F. R. Doc. 51-12801; Filed, Oct. 22, 1951;  
4:00 p. m.]

[Ceiling Price Regulation 43, Amendment 1]

#### CPR 43—ZINC SCRAP

#### ADJUSTMENTS IN CEILING PRICE FOR ZINC SCRAP

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment 1 to Ceiling Price Regulation 43 is hereby issued.

#### STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 43 increases the ceiling price for zinc scrap.

When Ceiling Price Regulation 43 was issued on June 1, 1951, it was recognized that the price of zinc scrap maintained a certain relationship to the price of primary zinc, and that this price varied with the price of the primary metal. Supplementary Regulation 70 to the General Ceiling Price Regulation, issued upon the instruction of the Director of Defense Mobilization, "To assure essential supplies of lead and zinc at stable and reasonable prices" increased the ceiling price, determined in accordance with the General Ceiling Price Regulation, of domestic slab zinc by two cents a pound. Recognizing that the retention of the price relationship between zinc scrap and primary zinc is required to continue the uninterrupted flow of zinc scrap, this regulation adjusts the ceiling prices of the various grades of zinc scrap by the amount necessary to preserve the relationship established by CPR 43.

In the opinion of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

Special circumstances involved in the promulgation of this amendment made it impracticable for the Director to consult formally with industry representatives. However, affected individuals were consulted informally and consideration was given to their recommendations.

#### AMENDATORY PROVISIONS

Ceiling Price Regulation 43 is amended by amending section 3, Table A to read as follows:

TABLE A

Grades of zinc scrap	Ceiling price (cents per pound)
Group I: Unsweated zinc dross	13 1/4
Group II:	
New zinc clippings and trimmings	15 1/2
Engravers' and lithographers' plates	15 1/2
Group III: Zinc die cast slabs minimum 90 percent zinc (for zinc die cast slabs with less than 90 percent zinc, deduct at the rate of 13¢ per pound for each 1 percent, or fraction thereof, of zinc below 90 percent)	13 1/4
Group IV:	
Old zinc scrap	12 1/4
Forming and stamping dies	12 1/4
New die cast scrap	11 1/4
Old zinc die cast radiator grills	11 1/2
Old die cast scrap	10 1/2

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

*Effective date.* This amendment shall become effective October 22, 1951.

EDWARD F. PHELPS, Jr.,  
Acting Director of Price Stabilization.

OCTOBER 22, 1951.

[F. R. Doc. 51-12804; Filed, Oct. 22, 1951;  
4:01 p. m.]

[Ceiling Price Regulation 53, Amendment 1]

#### CPR 53—LEAD SCRAP MATERIALS, SECONDARY LEAD, AND ANTIMONIAL LEAD

#### MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 53, is hereby issued.

#### STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 53 increases the ceiling price for lead scrap materials, secondary lead, and antimonial lead. It also establishes a ceiling price for used passenger automobile batteries on an "as is" basis, and permits an allowance in excess of the ceiling price set forth herein when a used battery is traded in to a retailer for a new battery or when a refund is given for a used battery which is returned pursuant to a new battery guarantee contract.

In the statement of considerations of Ceiling Price Regulation 53 it was recognized that a certain relationship existed between the prices of the commodities covered and primary lead in periods of high activity, and that any substantial discrepancy between the prices for primary and secondary lead would disrupt the normal flow of secondary lead and the scrap lead from which it is produced, thus tending to hinder the production of this strategic metal. Accordingly, the ceiling price for secondary lead containing not less than 99.85 percent lead was established at 17 cents per pound, which was the price generally prevailing at that time for primary lead. The ceiling prices for lead scrap materials and battery lead scrap were established at levels high enough to encourage the collection of this scrap and yet leave a sufficient

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margin for smelting this material into secondary lead and antimonial lead.

Supplementary Regulation 70 to the General Ceiling Price Regulation, issued upon the instruction of the Director of Defense Mobilization, increased the ceiling price of domestic lead by two cents per pound. This increased the price for this material which is generally prevailing, to 19 cents per pound. To maintain the same relationship to primary lead that was established at the time of issuance of this regulation, this amendment establishes the ceiling price for secondary lead containing not less than 99.85 percent lead at 19 cents per pound, and makes similar adjustments for the other materials covered.

Ceiling Price Regulation 53 established ceiling prices for battery lead scrap, including used storage batteries, when sold by any person. It was the purpose of this regulation to establish the ceiling price for used storage batteries sold as scrap. It is a universal practice throughout this country, however, that when a motorist buys a new storage battery, the seller will allow him a trade-in value for his used battery. Also, in selling a new battery, it is the policy of most sellers to guarantee the life of the new battery for a certain period, which is generally about 18 or 24 months, and in the event of failure of the battery during this period, the seller refunds the purchaser a sum of money which is dependent upon the length of time the battery has been used. The amount paid for such a used battery has no direct relationship to the value of the battery as scrap but is determined by the sales policy for the sale of new batteries. Since the amount paid for such batteries has no relation to their scrap value, this amendment permits an allowance for a used battery in such cases of an amount in excess of the ceiling price set forth in this regulation.

Passenger automobile batteries comprise more than 75 percent of the used storage batteries which are sold. These batteries are initially collected in small lots from garages, service stations or similar places. It is generally not feasible for garages or service stations to drain these batteries, for the contained liquid is an acid and must be disposed of in an isolated location. Furthermore, many cities have laws which prevent the disposing of such acid except in certain localities. This, in addition to the fact that many small sellers do not have weighing facilities, makes it inconvenient for the sales of small lots of used batteries to be carried out in accordance with the regulation.

This regulation, therefore, establishes a ceiling price per battery for a passenger automobile battery on an "as is" basis as an alternative method of pricing for a seller who does not have the proper facilities for draining and weighing batteries. This method of pricing has been restricted to passenger automobile batteries, since it has been established on the basis of the weights of thousands of these batteries that there is only a slight variance in weight between different makes of such batteries.

Ceiling Price Regulation 53 set forth a single ceiling price for lead scrap materials other than battery lead scrap re-

gardless of the quantity sold on the basis that most persons handling this lead scrap did not resell this scrap, but smelted the material themselves. It has been found, however, that a great many dealers in this lead scrap do not smelt this material but resell it. Thus, since their buying and selling price is the same, no margin of profit exists at present. This amendment establishes one price for sales of this material in quantities of less than 20,000 pounds and a slightly higher price for quantities of 20,000 pounds or more. Thus a person buying small quantities can realize his profit in reselling larger quantities of this material at the higher price.

In the opinion of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

Because of special factors affecting the promulgation of this amendment, the Director has found it impractical to con-

sult formally with industry representatives. However, affected individuals were consulted informally and consideration was given to their recommendations.

## AMENDATORY PROVISIONS

Ceiling Price Regulation 53 is amended in the following respects:

1. A new section 3a is added to read as follows:

**SEC. 3a. Allowances by retailers for used batteries.** Nothing in this regulation shall prohibit a retailer, who receives a used battery as a trade-in for a new battery, from making an allowance in excess of the ceiling price set forth herein for the used battery. Nothing in this regulation shall prohibit any person who receives a used battery for refund pursuant to a new battery guarantee contract, from refunding an amount in excess of the ceiling price set forth herein.

2. In section 5 (a), Table A is amended to read as follows:

TABLE A—PRICE

Commodity	15,000 pounds or more	Less than 15,000 pounds
Battery lead plates-----	19 cents per pound of lead and antimony content less a smelting charge of 2 cents per pound of material.	19 cents per pound of lead and antimony content less a smelting charge of 2.25 cents per pound of material. When the buyer and seller so agree, a flat ceiling price of 11.25 cents per pound of battery plates may be charged.
Used storage batteries (in boxes) drained of liquid. Used passenger automobile batteries "as is."	7.65 cents per pound----- \$2.80 per battery.	7.45 cents per pound.

3. Section 6 is amended to read as follows:

**SEC. 6. Ceiling prices, f. o. b. point of shipment, for other lead scrap materials.** The ceiling price, f. o. b. point of shipment, for soft lead scrap, hard lead scrap,

battery lugs, cable lead scrap, or the lead content of lead covered cable in quantities of 20,000 pounds and more is 17.25 cents per pound and in quantities of less than 20,000 pounds is 16.50 cents per pound.

TABLE B

Description	Price
Secondary pig lead: Containing not less than 99.85 percent lead.	19 cents per pound of material.
Containing 98.0 to 99.849 percent lead.	18½ cents per pound of material.
Containing less than 98.0 percent lead.	16½ cents per pound of material.
Antimonial lead prepared to buyer's specifications.	51 cents per pound of antimony content plus 19 cents per pound of lead content.
Crude antimonial lead-----	51 cents per pound of antimony content plus 19 cents per pound of lead content minus ¾ cent per pound of material.

5. Section 9 (m) is added to read as follows:

(m) "Retailer" means the person who sells a storage battery to the person who uses the battery.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

**Effective date.** This amendment shall become effective October 22, 1951.

EDWARD F. PHELPS, JR.,  
Acting Director of Price Stabilization

OCTOBER 22, 1951.

[F. R. Doc. 51-12805; Filed, Oct. 22, 1951; 4:01 p. m.]

[Ceiling Price Regulation 55, Supplementary Regulation 3]

**CPR 55—CEILING PRICES FOR CERTAIN PROCESSED VEGETABLES OF THE 1951 PACK**

**SR 3—CANNED PEA CEILING PRICE ADJUSTMENT**

Pursuant to the Defense Production Act of 1950, as amended, Executive

Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Supplementary Regulation 3 to Ceiling Price Regulation 55 is hereby issued.

## STATEMENT OF CONSIDERATIONS

The pea canning industry represented to the Office of Price Stabilization that the ceiling prices for canned peas calcu-

lated under Ceiling Price Regulation 55 do not meet the standards set forth in the Defense Production Act of 1950, as amended. This contention is based upon the claim that ceiling prices calculated under the regulation effect roll-backs below the lower of either the prices prevailing just before the issuance of Ceiling Price Regulation 55 or the prices prevailing during the period January 25, 1951 to February 24, 1951, inclusive. In support of this contention cannery supplied data on prices, sales and packs. These data, together with information previously submitted by the industry, were examined to determine the extent, if any, by which prices under Ceiling Price Regulation 55 were below these levels. These data were for all items of canned peas and were representative of price levels of the entire pea canning industry. It was found that the ceilings for canned peas calculated under Ceiling Price Regulation 55 were generally fair and equitable and were not below the minimum level specified.

The examination, however, indicated that in the case of some cannery their ceiling prices for certain items of standard and extra standard canned peas were substantially distorted from their normal relationship with canned pea prices generally. Accordingly, the Office of Price Stabilization is adjusting these abnormally low ceiling prices. This supplementary regulation, therefore, sets forth a table listing specific amounts to which cannery may increase their ceiling prices calculated under CPR 55 for standard and extra standard canned peas. No downward adjustment is required if a canner's ceiling price, otherwise determined under CPR 55, is above the appropriate amount specified in the table. These adjustments, determined from the data submitted by the industry, will raise some ceiling prices previously calculated under CPR 55.

While formal consultation with the industry has been impracticable, it is the judgment of the Director of Price Stabilization that full consideration has been given to the views of the industry. It is the further judgment of the Director that the ceiling prices established under this supplementary regulation are generally fair and equitable and necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

#### REGULATORY PROVISIONS

Sec.

1. What this supplementary regulation does.
2. Adjusted levels for canned pea ceiling prices.

**AUTHORITY:** Sections 1 and 2 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

**SECTION 1. What this supplementary regulation does.** This supplementary regulation modifies Ceiling Price Regulation 55 by allowing cannery of peas to increase their ceiling prices otherwise calculated under CPR 55 to specified dollar-and-cent adjusted levels.

**SEC. 2. Adjusted levels for canned pea ceiling prices.** If you are a canner of

fresh green peas, you may increase your ceiling prices for standard and extra standard grades of canned fresh green peas packed in various containers, as calculated under Ceiling Price Regulation 55 without reference to this supplementary regulation to the following specific amounts:

Container size	Adjusted ceiling price, dollars per dozen containers	
	Standard grade	Extra standard grade
No. 10.....	6.25	7.00
No. 2.....	1.20	1.35
No. 303.....	1.05	1.20
No. 1 (Picnic).....	.85	.97
8-ounce.....	.70	.80

All other provisions of Ceiling Price Regulation 55 are unaffected by this supplementary regulation.

**Effective date.** This supplementary regulation to Ceiling Price Regulation 55 is effective October 22, 1951.

MICHAEL V. DISALLE,  
Director of Price Stabilization.

OCTOBER 22, 1951.

[F. R. Doc. 51-12799; Filed, Oct. 22, 1951;  
11:49 a. m.]

[Ceiling Price Regulation 87]

#### CPR 87—PROCESSED FEATHERS

Pursuant to the Defense Production Act of 1950, as amended, (Pub. Law. 774, 81st Cong., Pub. Law 96, 82nd Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 87 is hereby issued.

#### STATEMENT OF CONSIDERATIONS

This statement of considerations applies to this Ceiling Price Regulation 87, establishing ceiling prices for all sales of processed landfowl and waterfowl feathers, and to Amendment 2 to General Overriding Regulation 4, exempting from price control all sales of raw and unprocessed landfowl and waterfowl feathers. A single statement of considerations is used because of the close inter-relationship of the two actions taken.

Waterfowl feathers are used extensively in the manufacture of military sleeping bags, military hospital pillows, and various Air Force flight gear. These feathers are essential to the production of these military items because of their unique insulating and filling properties. The strategic importance of waterfowl feathers has been recognized both by their designation as a strategic and critical material by the Munitions Board of the Department of Defense and by the issuance on April 16, 1951, of Order M-56 by the National Production Authority. In substance, this order limits processing of waterfowl feathers to processing done in accordance with Defense Department or General Services Administration specifications. It also prohibits the sale of processed waterfowl feath-

ers except pursuant to a DO rated order issued by the National Production Authority and received by the seller. By virtue of these provisions all waterfowl feathers are reserved either for use in the manufacture of end products for military use or for the national stockpile procurement program administered by the General Services Administration.

Approximately eighty-five percent of the United States waterfowl feather requirement is furnished by foreign sources, principally China, Poland, Hungary and Czechoslovakia. This fact has complicated the pricing problem with respect to these commodities. Ceiling prices on imported feathers have heretofore been determined by the provisions of Ceiling Price Regulation 31 while the ceiling prices of domestically produced feathers have been determined by the General Ceiling Price Regulation. Under CPR 31, the ceiling price for the sale of imported duck and goose feathers is essentially the landed cost of the commodity plus a dollar-and-cent markup based upon the importer's markup on the same commodity during the base period of July 1, 1949, to June 30, 1950. Because of the price flexibility resulting from the operation of CPR 31, the prices of imported waterfowl feathers have risen sharply since January 26, 1951. All available evidence indicates that this rise was occasioned largely by a realization on the part of foreign sources of the importance of these commodities to the military security of this country.

#### EXEMPTION OF RAW FEATHERS

The Director of Price Stabilization has determined that the most practicable method of achieving stabilization of prices of both landfowl and waterfowl feathers is the establishment of dollar-and-cent ceiling prices for processed feathers with an accompanying exemption from price control of both domestically produced and imported raw and unprocessed feathers.

In the raw and unprocessed state the several varieties of duck and goose feathers, while differing in quality and value, are generally similar in physical appearance. When sold in this raw state the valuable down, the less valuable feathers, and the much less valuable quills, have not been separated from each other. The quantities of down, feathers, and quills that these raw stocks will yield when processed vary with their geographic origin. Dirt content and general processing shrinkage also vary depending upon origin.

Because of similarity in general appearance, despite the variables discussed above, the several types of raw stocks lend themselves readily to mixture with each other. To establish a single price on all raw waterfowl feathers would be to ignore all quality differentials that, in a normal peacetime economy, the industry has invariably recognized. However, to establish multiple prices on raw stock during this period of scarcity, is to invite the commingling of various grades of new waterfowl feathers that occurred, at least to some extent, during the price control era of World War II

## RULES AND REGULATIONS

when sales of raw stock were subject to ceiling prices.

Moreover, the establishment of ceiling prices for sales of processed landfowl and waterfowl feathers would effectively control raw feather prices. For these reasons the Director has determined that it is unnecessary to maintain ceiling prices on imported or domestic raw and unprocessed landfowl and waterfowl feathers in order to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

At the same time the Director has determined that it is practical and necessary to maintain ceiling prices for processed feathers. CPR 87, therefore, fixes dollar-and-cent ceiling prices for all sales of processed feathers. In establishing these ceiling prices the problem of confusion of raw waterfowl feathers is minimized because of the elimination of any uncertainty as to raw stock down yield, quill and dirt content, and processing shrinkage.

Accordingly, on the effective date of this regulation Amendment 2 to General Overriding Regulation 4 will become effective removing all raw and unprocessed landfowl and waterfowl feathers from price control. Similarly, on the effective date of this regulation Amendment 22 to the General Ceiling Price Regulation will become effective conforming the provisions of that regulation to the actions taken here by removing the language relating to goose feathers from GCPR section 14 (s) (18). Sales of processed landfowl and waterfowl feathers by manufacturers will henceforth be subject to the ceiling prices established by CPR 87. Therefore, these manufacturers are removed from the operation of Ceiling Price Regulation 22 (Manufacturer's General Ceiling Price Regulation).

## LEVEL OF PRICES

The prices fixed in this regulation for processed landfowl feathers represent, as nearly as can be determined, current market prices which have remained stable since January 26, 1951. Because of the provisions of CPR 31 and the extensive use by processors of imported raw waterfowl feathers, the prices of raw stocks have increased substantially over those established during the base period of the General Ceiling Price Regulation and pursuant to CPR 31, this increase has been reflected in increased prices for processed feathers. CPR 87 fixes dollar-and-cent ceiling prices on processed waterfowl feathers as nearly in line as possible with the level established by the GCPR without disruption of imports of these commodities. While, in the case of certain types of waterfowl feathers, these ceiling prices represent reductions of currently prevailing prices, in no event are they lower than the prices prevailing during the period January 25, 1951-February 24, 1951. Prices established for sales of reprocessed secondhand waterfowl feathers are fixed at one-half the price of new processed Domestic Duck feathers. These prices are deemed sufficient to encourage reclamation of used feathers but are sufficiently low to discourage such mixture with new stocks as occurred to some extent, during World War II. The level of prices established

in CPR 87 for all sales of domestic and imported processed landfowl and waterfowl feathers is in substantial conformity with that recommended by the Industry Advisory Committee.

In determining the level of prices on all waterfowl feathers thorough consideration was given to the continuance of essential procurement of raw stocks from foreign sources. On the basis of available evidence it appears that there is little direct relationship between import volume and market prices of waterfowl feathers. Despite the drastic rise in price that has occurred in all waterfowl feathers since January 1, 1950, the production of these commodities, both foreign and domestic, has not increased. Census Bureau data on imports reveal that imports of foreign feathers have been the same in quantity during the first six months of 1951 as during the same period of 1950. This office has been advised that a portion of the feathers produced in Iron Curtain countries has been employed by those countries to barter for certain industrial materials currently subject to U. S. embargo. No practicable price increase might reasonably be expected to divert these quantities of feathers and down to this country.

## PRICING STRUCTURE

Imported waterfowl feathers bear a twenty percent import duty unless processed and sold to the General Services Administration, in which case this duty may be suspended. Accordingly, ceiling prices of imported processed feathers for all sales except those to GSA are based on the assumption that the processor has paid this duty on the raw stock from which these feathers have been processed. Ceiling prices are established for all standard mixtures of feathers and down sold to a prime contractor holding a DO rated order, together with a method of determining the ceiling price for any other mixture.

Two schedules of prices for sales to GSA are provided; one for sales of feathers processed from duty-paid raw stock; the other for sales of feathers processed from duty-free raw stock. The prices in each of these schedules include an allowance of approximately twenty-five cents per pound to cover expense incurred by the processor in packaging the feathers according to GSA stockpiling specifications. In the event that a sale to GSA involves both duty-free and duty-paid feathers a method is provided for determining the proper ceiling price.

In the course of its procurement activities GSA has entered into some contracts calling for future delivery of imported waterfowl feathers. Processors holding these bona fide future contracts have purchased substantial quantities of imported feathers with which to complete them. In order not to disturb GSA's procurement program and to prevent hardship and inequity to these contracting processors this regulation permits these contracts to be fully or partially completed at the contract price, to the extent the processor has made bona fide purchases of the raw stock with which to complete deliveries under the contract.

A table of ceiling prices for processed chicken and turkey feathers and fibre is provided, together with a method for determining ceiling prices for sales of mixtures of these commodities.

## FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the formulation of this regulation there has been repeated consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

In the judgment of the Director of Price Stabilization, the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

## REGULATORY PROVISIONS

## Sec.

1. What this regulation does.
2. Where this regulation applies.
3. How you determine your ceiling prices.
4. Sales to prime contractors.
5. Sales to the General Services Administration.
6. Secondhand or used waterfowl feathers and down.
7. Processed chicken and turkey feathers.
8. Petitions for amendment.
9. Record-keeping.
10. Interpretations.
11. Prohibitions.
12. Evasion.
13. Definitions.

**AUTHORITY:** Sections 1 to 13 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Sup.

**SECTION 1. What this regulation does.** This regulation establishes dollar-and-cent ceiling prices for all sales of processed new and used waterfowl feathers and down and processed chicken and turkey feathers. As to sales of these commodities the provisions of this regulation supersede those of the General Ceiling Price Regulation, regulations supplementary thereto, and any other ceiling price regulation.

**SEC. 2. Where this regulation applies.** This regulation shall be applicable in the 48 States and the District of Columbia.

**SEC. 3. How you determine your ceiling prices.** (a) If you sell mixtures or types of processed new waterfowl feathers to a prime contractor for use in filling a D. O. rated order held by him, your ceiling price is determined under section 4. If the mixture or type that you sell is standard you determine your ceiling price under section 4 (a), while, if it is not a standard mixture or type you calculate your ceiling price under section 4 (b).

(b) If you sell to the General Services Administration either of the standard

mixtures of processed waterfowl feathers, you determine your ceiling price under section 5. If the standard mixture that you sell GSA is processed from raw stock on which you have not paid Federal Import Duty you determine your ceiling price under section 5 (a), while, if the mixture is processed from raw stock on which you have paid Federal Import Duty, your ceiling price is determined under section 5 (b).

(c) If your sale to the General Services Administration is a mixture composed in part of feathers processed from duty-free raw stock and in part of feathers processed from raw stock on which you have paid duty, then your ceiling price for this sale is determined under section 5 (c).

(d) If you hold a contract with the General Services Administration calling

for future delivery of waterfowl feathers, you should refer to section 5 (d) because, under certain circumstances, this section may modify the ceiling prices established under section 5 (a), (b), and (c) for sales to GSA.

(e) If you sell reprocessed secondhand waterfowl feathers you determine your ceiling price under section 6.

(f) If you sell processed chicken or turkey feathers, or fibre, or a mixture of chicken and turkey feathers you determine your ceiling price under section 7.

**SEC. 4. Sales to prime contractors—(a) Standard mixtures.** If you sell a standard mixture or type of processed new waterfowl feathers to a prime contractor for use in filling a DO rated order held by that contractor, your ceiling price, packed for shipment, f. o. b. your plant or warehouse, is as follows:

TABLE A

Type of new feathers	Ceiling price in dollars per pound					
	Down (90/10)	40/60 mixture	10/90 mixture	Small feathers	Large feathers	Crushed quills
Goose, domestic and European.....	\$8.00	\$4.55	\$2.50	\$1.81	\$0.85	\$0.60
Goose, Asiatic.....	7.25	4.15	2.25	1.62	.80	.60
Duck, domestic and European.....	7.25	4.15	2.25	1.62	.80	.50
Duck, Asiatic.....	7.00	4.00	2.20	1.60	.75	.50

(b) *Other mixtures.* If you sell a mixture or type of processed new waterfowl feathers other than any of those specified in Table A, to a prime contractor, your ceiling price, packed for shipment, f. o. b. your plant or warehouse, is determined by applying the value per pound, stated for pure down and small feathers in Table B, below, to the total number of pounds of pure down and small feathers respectively, contained in the type or mixture that you are selling.

TABLE B

Type of new feathers	Ceiling price in dollars per pound	
	Pure down	Small feathers
Goose, domestic and European.....	\$8.6875	\$1.8125
Goose, Asiatic.....	7.875	1.625
Duck, Domestic and European.....	7.875	1.625
Duck, Asiatic.....	7.60	1.60

**SEC. 5. Sales to the General Services Administration—(a) Duty-free feathers.** If you sell GSA a mixture of imported processed waterfowl feathers, on the raw stock of which you have paid no Federal Import Duty, your ceiling price for that mixture, packed in conformity with the requirements of National Stockpile Specifications P-82, f. o. b. your plant or warehouse, unless modified by paragraph (d) of this section, is as follows:

TABLE C

Type of new down and mixture	Ceiling price in dollars per pound	
	Down (90/10)	10/90 mixture
Goose, European.....	\$7.20	\$2.30
Goose, Asiatic.....	6.50	2.20
Duck, European.....	6.50	2.20
Duck, Asiatic.....	6.30	2.15

Type of new down and mixture	Ceiling price in dollars per pound	
	Down (90/10)	10/90 mixture
Goose, domestic and European.....	\$8.25	\$2.75
Goose, Asiatic.....	7.50	2.50
Duck, domestic and European.....	7.50	2.50
Duck, Asiatic.....	7.25	2.45

(c) *Mixture containing both duty-free and duty-paid or domestic feathers.* If the processed waterfowl feather mixture that you sell GSA contains both duty free stock and domestic stock or stock on which you have paid the Federal Import Duty, then you determine your ceiling price for this sale as follows:

(1) Multiply the number of pounds of mixture composed of duty free stock by the price per pound given in Table C for that mixture.

(2) Multiply the number of pounds of mixture composed of domestic stock and stock on which you have paid the Federal Import Duty by the price per pound given in Table D for that mixture.

(3) The total of (1) and (2) (in dollars and cents) is your ceiling price, packed in conformity with the requirements of National Stockpile Specification P-82, f. o. b. your plant or warehouse, for this sale.

(d) *Contracts for future delivery.*

(1) If, on the date of issuance of this regulation, you hold a written contract with GSA providing for delivery in the future of processed waterfowl feathers, you may deliver feathers under this contract at the contract price to the extent that on such date you either have ownership and physical possession of, or are legally bound by a written firm commitment to accept, the waterfowl feathers with which to fill this contract. After the effective date of this regulation, all other waterfowl feathers must be sold to the General Services Administration at prices no higher than the applicable prices established for such sales under paragraph (a), (b), or (c) of this section.

(2) Example: On the date of issuance of this regulation you hold a written contract with GSA calling for future delivery of 50,000 pounds of a type of 90/10 or 10/90 Mixture. Also on the issuance date you have in inventory a quantity of raw stock which, when processed, will yield 9,000 pounds of the mixture called for in the GSA contract. In addition you have in inventory 2,000 pounds of the mixture specified in the GSA contract that you have processed but not yet delivered. At the same time you have purchased under a written contract a quantity of raw waterfowl feathers which, when processed, will yield 33,000 pounds of the type mixture specified in the GSA contract. Under these circumstances you may deliver 44,000 pounds of processed feathers to GSA under the terms of your contract even though the price in that contract is higher than the prices otherwise established in this regulation for sales to GSA.

(3) *Required report if you are pricing under paragraph (d):* Within fourteen calendar days after the effective date of this regulation, you shall submit in writing, by registered mail, the following information to the Director of the Office of Price Stabilization, Washington 25, D. C.

(i) Your name and business address.  
(ii) A certified copy of your contract with GSA.

(iii) The quantity delivered under this GSA contract prior to the issuance date of this regulation.

(iv) The quantity and type of raw and processed stock that you own in inventory on the issuance date of this regulation.

(v) The name and business address of the person or persons to whom, on the issuance date of this regulation, you are legally bound to accept delivery of raw stocks.

(vi) A certified copy of your written contract with this person or these persons.

(vii) The quantity and type of raw stock delivered under this contract or these contracts.

**SEC. 6. Secondhand or used waterfowl feathers.** If you sell a reprocessed mixture or type of second-hand or used waterfowl feathers your ceiling price, f. o. b. your plant or warehouse, is 50 percent of the ceiling price established in Table A for a mixture or type of Domes-

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tic and European Duck feathers of comparable feather and down content.

**SEC. 7. Processed chicken and turkey feathers—(a) Unmixed.** If you sell chicken or turkey feathers, or fibre, processed in conformity with the requirements of CF 151a and packed for shipment, your ceiling price, f. o. b. your plant or warehouse, is as follows:

TABLE E

Type of feathers or fibre	Ceiling price in dollars per pound	
	Feathers	Fibre
Crushed chicken body feathers, regardless of amount of fibre:		
Colored.....	\$0.21	-----
White.....	.38	-----
Crushed turkey body feathers, regardless of amount of fibre:		
Colored.....	.24	-----
White.....	.41	-----
Fibre (only when sold separately):		
Colored.....	\$0.40	-----
White.....	.60	-----

(b) *Mixtures.* If the processed landfowl feathers that you sell are combined in a mixture of the types of feathers specified in Table E of this section, then you determine your ceiling price for the sale as follows:

(1) Multiply the number of pounds of each of the types of feathers contained in the quantity of mixture that you are selling by the price per pound given in Table E for each of those types respectively.

(2) The total of the dollar-and-cent values resulting from your calculation in (1) above, is your ceiling price, packed for shipment, f. o. b. your plant or warehouse.

**SEC. 8. Petitions for amendment.** If you wish to have this regulation amended you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised (16 F. R. 4974).

**SEC. 9. Record-keeping.** Every person who sells, and every person who in the regular course of trade or business buys, processed waterfowl feathers and down or processed chicken or turkey feathers, or fibre, shall make and keep for inspection by the Director of Price Stabilization for a period of 2 years complete and accurate records of each sale or purchase made after the effective date of this regulation. The records must show the date of the sale or purchase, the name and address of the seller and purchaser, and the price charged or paid, itemized by quantity and type. If the sale is made on an f. o. b. shipping-point basis the records must show the transportation charges unless delivery is by common carrier. Records must also show all premiums, discounts and allowances.

**SEC. 10. Interpretations.** If you have any doubt as to the meaning of this regulation, you should write to the District Counsel of the OPS District Office nearest you for an interpretation. Any action taken by you in reliance upon and in conformity with a written interpretation will constitute action in good faith pursuant to the regulation. Further information on obtaining official in-

terpretations is contained in Price Procedural Regulation 1, Revised.

**SEC. 11. Prohibitions.** You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically (but not in limitation of the above), you shall not, regardless of any contract or other obligation, sell, and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling price established by this regulation, and you shall keep, make and preserve true and accurate records and reports required by this regulation. If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and action for damages.

**SEC. 12. Evasion.** Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

**SEC. 13. Definitions.** The terms which appear in this Ceiling Price Regulation shall be construed in the following manner, unless otherwise clearly required by the context:

(a) *Waterfowl feathers.* Waterfowl feathers are goose and duck feathers and down, separated from the fowl, domestic and imported, new and used, regardless of length.

(b) *Landfowl feathers.* Landfowl feathers are chicken and turkey feathers, separated from the fowl, domestic and imported.

(c) *New waterfowl feathers.* New waterfowl feathers are waterfowl feathers which have not been previously incorporated into any product.

(d) *Used waterfowl feathers.* Used waterfowl feathers are waterfowl feathers that have been previously incorporated into any product.

(e) *Processed feathers.* Processed feathers must be well dusted, washed, dried, sterilized, free from objectionable odors, and in all respects, except for packing requirements, must meet the requirements of Federal Specifications MIL-W-5652A for new waterfowl feathers and down.

(f) *Down or 90/10 Mixture.* Down or 90/10 mixture contains not less than 90 percent by weight of pure down. Any remainder shall be small feathers separated with the down from the same stock.

(g) *Pure down.* The soft, fluffy undercoating from domesticated waterfowl, composed of light filaments grown from one quill point, but without quill shaft.

(h) *Small goose feathers.* A minimum of 50 percent by weight, of the feathers shall measure less than 3 inches.

Goose feathers longer than 4 inches, together with feathers other than goose, shall total not more than 5 percent.

(i) *Small duck feathers.* A minimum of 50 percent by weight of the feathers shall measure less than 2½ inches for duck feathers other than Asiatic and less than 2 inches for Asiatic duck feathers. Duck feathers longer than 3½ inches, together with feathers other than duck or goose, shall total not more than 5 percent.

(j) *Large feathers, duck or goose.* Body feathers with natural curvature not covered by the definitions of small feathers above.

(k) *10/90 mixture.* A mixture of not less than 10 percent by weight of pure down and not more than 90 percent by weight of small feathers.

(l) *40/60 mixture.* A mixture of not less than 40 percent by weight of pure down and not more than 60 percent by weight of small feathers.

(m) *Quills.* All the feathers of the raw stock except the down, small feathers and large feathers.

(n) *Crushed quills.* Quills that have been processed so that the quill shaft is broken, crushed, shredded, or chopped.

(o) *Fibre.* Not less than 90 percent by weight, of barbs of feathers separated, by any process, from the quill.

(p) *White feathers and fibre.* Feathers and fibre containing not more than 5 percent colored feathers and fibre.

(q) *Prime contractor.* A prime contractor is one who holds a contract with the United States Government or any of its agencies for the sale of processed waterfowl feathers or for the sale of a product in which waterfowl feathers are incorporated.

**Effective date.** This Ceiling Price Regulation 87 is effective October 19, 1951.

**NOTE:** The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DESALLE,  
Director of Price Stabilization.

OCTOBER 19, 1951.

[F. R. Doc. 51-12747; Filed, Oct. 19, 1951;  
4:17 p. m.]

[General Ceiling Price Regulation, Amdt. 21]

#### GENERAL CEILING PRICE REGULATION EXEMPTION OF CHRISTMAS TREES

Pursuant to the Defense Production Act of 1950, as amended, (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 21 to the General Ceiling Price Regulation is hereby issued.

#### STATEMENT OF CONSIDERATIONS

This amendment to the General Ceiling Price Regulation clarifies section 14 (s) (17) by specifically exempting Christmas trees from the operation of the General Ceiling Price Regulation. Section 14 (s) (17) presently exempts from the operation of the General Ceiling

ing Price Regulation cut greens when used for decorative purposes, nursery stock, vegetable plants, natural flowers, and other floral products. Christmas trees that have been severed from the stump are used for decorative purposes and qualify as cut greens. Moreover, like the other products exempted by section 14 (s) (17), Christmas trees have certain of the characteristics, set forth in Amendment 8 by which section 14 (s) (17) was made effective, which make the application of ceiling prices frozen at base period levels inequitable or impractical. Accordingly, to remove any doubt that may presently exist, and in accordance with an interpretation previously issued by the Office of Price Stabilization, this clarifying amendment is issued.

In view of the nature of this amendment, and because the action is taken in response to industry representations, formal consultation with industry representatives has been deemed to be neither practical nor necessary.

#### AMENDATORY PROVISIONS

Section 14, paragraph (s), subparagraph (17) of the General Ceiling Price Regulation is amended by inserting before the words "vegetable plants" the words "Christmas trees" so that paragraph (s) (17) reads as follows:

(17) Cut greens when used for decorative purposes, such as ferns and the boughs and leaves of trees and shrubs; nursery stock; Christmas trees; vegetable plants; and natural flowers and floral products, such as cut flowers, flowering plants, foliage plants, and bulbs for planting purposes.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

**Effective date.** This Amendment 21 to the General Ceiling Price Regulation is effective October 27, 1951.

MICHAEL V. DiSALLE,  
Director of Price Stabilization.

OCTOBER 19, 1951.

[F. R. Doc. 51-12800; Filed, Oct. 22, 1951;  
11:49 a. m.]

[General Ceiling Price Regulation, Amdt. 22]

#### GENERAL CEILING PRICE REGULATION REVISION OF EXEMPTION COVERING MISCELLANEOUS POULTRY AND RABBITS

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 22 to the General Ceiling Price Regulation is hereby issued.

#### STATEMENT OF CONSIDERATIONS

This amendment revises section 14 (s) (18) of the General Ceiling Price Regulation by eliminating the language in that section relating to goose feathers. These feathers are now specifically dealt with in two regulations. General Overriding Regulation 4, Amendment 2, exempts from price control all raw and unprocessed chicken and turkey feathers and fibre, and all raw and unprocessed new, and unprocessed second-hand,

goose and duck feathers. Ceiling Price Regulation 87 establishes dollar-and-cent ceiling prices for all sales of these commodities when in the processed state.

The purpose of this amendment is to make consistent, insofar as goose feathers are concerned, the provisions of the GCPR, GOR 4, and CPR 87.

#### AMENDATORY PROVISIONS

The General Ceiling Price Regulation is amended in the following respects:

1. Section 14 (s) (18) is amended by deleting the words "provided that the feathers of geese are not covered by this exemption", so that (18) reads as follows:

(18) All domestically produced and imported geese, guineas, squabs, pigeons, quail, partridges, pheasants, rabbits and hares, whether in processed or unprocessed form, and at all levels of purchase and sale.

2. Section 14 (s) is amended by the addition of the following:

(20) All raw and unprocessed chicken and turkey feathers and fibre, and all raw and unprocessed new, or unprocessed second-hand, goose or duck feathers and down.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

**Effective date.** This Amendment 22 to the General Ceiling Price Regulation is effective October 19, 1951.

MICHAEL V. DiSALLE,  
Director of Price Stabilization.

OCTOBER 19, 1951.

[F. R. Doc. 51-12742; Filed, Oct. 19, 1951;  
3:24 p. m.]

[General Ceiling Price Regulation, Amdt. 1 to Supplementary Regulation 48]

#### GCPR, SR 48—REMELT ZINC

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Amendment 1 to Supplementary Regulation 48 to the General Ceiling Price Regulation is hereby issued.

#### STATEMENT OF CONSIDERATIONS

Supplementary Regulation 48 to the General Ceiling Price Regulation was issued on July 30, 1951. It rolled back the ceiling prices for remelt zinc to a level in line with the ceiling prices for zinc scrap under Ceiling Price Regulation 43. On October 2, 1951 Supplementary Regulation 70 to the General Ceiling Price Regulation increased by 2 cents per pound the ceiling prices previously established for slab zinc. Amendment 1 to CPR 43, issued simultaneously herewith, makes a corresponding increase in the prices of zinc scrap. Any substantial change in the relationship of prices for scrap and prices for the remelt zinc would tend to impede the production of this important material. In order to retain this relationship, therefore, this Amendment permits sellers of remelt zinc made from zinc scrap by a simple

melting process to increase their ceiling prices by the same amount.

This amendment also establishes quantity premiums for sales of remelt zinc which apply when a total quantity of less than 10,000 pounds is sold at one time for shipment to one receiving point or is delivered at one time to one receiving point. Since the issuance of SR 48 the Office of Price Stabilization has received numerous requests for establishment of such premiums from small dealers who have customarily charged quantity premiums to cover the additional cost involved in handling small orders. The quantity premiums established by this amendment increase as the quantity delivered decreases, as was customary in the trade.

Special circumstances involved in the promulgation of this amendment to SR 48 made it impracticable for the Director to consult with industry representatives prior to its issuance.

#### AMENDATORY PROVISIONS

1. Section 2 is amended to read:

**Sec. 2. Ceiling delivered prices for remelt zinc—(a) Ceiling base prices.** If you are a seller of remelt zinc, your ceiling delivered price for 10,000 pounds or more sold at one time for shipment to one receiving point or delivered at one time to one receiving point is 19½ cents per pound for material with a minimum zinc content of 97½ percent or 14½ cents per pound for material with a zinc content of less than 97½ percent, plus whichever of the following transportation charges is applicable:

(1) When delivery is made to the buyer's receiving point by way of a public (common or contract) carrier, an amount not in excess of the actual charge (including transportation taxes) made by such carrier;

(2) When delivery is made to the buyer's receiving point by a vehicle owned or controlled by the seller, an amount not in excess of the lowest published and applicable common carrier charge (not including transportation taxes) for transporting the quantity of remelt zinc being priced from the point of shipment to the buyer's receiving point.

Premiums for smaller quantities may be charged in accordance with paragraph (b) of this section.

(b) **Quantity premiums.** (1) In addition to the ceiling price determined in accordance with paragraph (a) of this section, the premium for quantity set forth in Table A may be charged when applicable. No premiums other than those set forth in Table A may be charged.

(2) The applicable premium for quantity shall be determined on the basis of the total quantity of remelt zinc sold at one time for shipment to one receiving point or delivered at one time to one receiving point, whichever is larger.

TABLE A

Quantity premiums:	(cents per pound)
2,000 to 9,999 pounds	½
1,000 to 2,000 pounds	¾
500 to 1,000 pounds	1½
250 to 500 pounds	3
100 to 250 pounds	5½
50 to 100 pounds	10½

## RULES AND REGULATIONS

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

*Effective date.* This amendment shall become effective October 23, 1951.

EDWARD F. PHELPS, Jr.,  
Acting Director of Price Stabilization.

OCTOBER 22, 1951.

[F. R. Doc. 51-12803: Filed, Oct. 22, 1951;  
4:00 p.m.]

[General Ceiling Price Regulation, Supplementary Regulation 74]

**GCPR, SR 74—CEILING PRICE ADJUSTMENT FOR PHONOGRAPH RECORDS**

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 74 to the General Ceiling Price Regulation is hereby issued.

**STATEMENT OF CONSIDERATIONS**

This supplementary regulation permits any manufacturer of phonograph records to determine his ceiling prices on the basis of a price list announced during the period from December 19, 1950 through January 25, 1951, although the price changes announced in the list were not to become effective until after January 25, 1951. The effective date announced for such price list must, however, have been not later than February 15, 1951.

This supplementary regulation is being issued to correct a serious out-of-line price situation in the phonograph record industry which has been brought to the attention of the Director of Price Stabilization. It is estimated that six companies produce in excess of 80 percent of the phonograph records manufactured in the United States. Prices charged by these companies have historically been substantially uniform. All except one of these manufacturers raised prices before the general freeze imposed by the General Ceiling Price Regulation. That one manufacturer announced a similar increase in December 1950 to become effective January 27, 1951, bringing its prices upon a historical pattern in line with those of the other five manufacturers. It is estimated that that manufacturer accounts for approximately 5 percent of the total record production in this country. Under the provisions of the General Ceiling Price Regulation the announced increases of that manufacturer could not be used as its ceiling prices since they were not to become effective until after January 25, 1951. This has resulted in a price distortion within the industry and has placed one manufacturer in a substantially out-of-line position—the great bulk of the industry being at a higher level.

Had Ceiling Price Regulation 22 become mandatorily effective as originally anticipated, all of the phonograph record manufacturers would have been required to base their ceiling prices on pre-Korea prices which were in their customary relationship. However, in

view of legislative developments, it has been necessary to extend the mandatory effective date of CPR 22 and under Amendment 21 to that regulation the mandatory effective date has been indefinitely postponed pending further action by the Office of Price Stabilization. At the present time work is in progress on a tailored regulation for the industry, but it appears certain that the regulation will not be issued soon enough to remedy the existing out-of-line situation. It should be made clear that the action of the Office of Price Stabilization in issuing this supplementary regulation does not constitute endorsement of the existing level of ceiling prices in the industry. On the contrary, studies are under way to ascertain a level of ceiling prices generally fair and equitable for the industry as a whole in the light of current legislative developments.

There is evidence that the lower level of ceiling prices for the single out-of-line manufacturer has not resulted in corresponding benefits to the public. At about the same time that the other five manufacturers increased their prices to the trade, retailers, at the suggestion of the one manufacturer and in anticipation of its announced increase, increased their selling prices of its records. These new increased retail prices were in effect at the time of the general freeze.

While the Office of Price Stabilization does not have information that there are any other phonograph record manufacturers in the same out-of-line position, this supplementary regulation would afford them similar relief if there are. At the same time the Director of Price Stabilization is empowered to disapprove or revise downward any ceiling prices established under this supplementary regulation for phonograph records which are out of line with those established under the General Ceiling Price Regulation.

It is considered that this supplementary regulation is not inconsistent with the objectives of the stabilization program as an interim relief measure. In addition, it is believed that the circumstances of this case, as outlined above, are of a peculiarly unique character.

In the formulation of this supplementary regulation, special circumstances have rendered formal consultation with industry representatives, including trade association representatives, impracticable. However, the Director has consulted with affected individuals in the industry and has given consideration to their recommendations.

**REGULATORY PROVISIONS**

**Sec.**

1. Coverage of this supplementary regulation.
2. Ceiling prices.
3. Modification of ceiling prices by the Director of Price Stabilization.
4. Report.

**AUTHORITY:** Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Supp. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Supp. 2101-2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

**SECTION. 1. Coverage of this supplementary regulation.** If you are a manufacturer of phonograph records, you may,

if you wish, apply this supplementary regulation in determining your ceiling prices for phonograph records. Except to the extent that they are inconsistent with this supplementary regulation, all provisions of the General Ceiling Price Regulation shall be applicable.

**SEC. 2. Ceiling prices.** If during the period from December 19, 1950, through January 25, 1951, you announced in writing and communicated to the trade or a substantial number of customers in your customary way a general increase of prices of phonograph records manufactured by you and that increase was to become effective not later than February 15, 1951, then the price list prices are your ceiling prices for all phonograph records on the list.

**SEC. 3. Modification of ceiling prices by the Director of Price Stabilization.** The Director of Price Stabilization may at any time disapprove or revise downward ceiling prices proposed to be used or being used under this supplementary regulation so as to bring them into line with the level of ceiling prices otherwise established by the General Ceiling Price Regulation.

**SEC. 4. Report.** You must before putting into effect any ceiling prices determined under this supplementary regulation file with the Office of Price of Stabilization, Consumer Durable Goods Division, Washington 25, D. C., a report containing the following:

(a) The actual written announcement showing the general increase of prices of phonograph records;

(b) A statement of how the announcement was issued (for example, if published in a periodical, identify the periodical; if otherwise issued, explain and indicate approximate number of buyers reached);

(c) The date on which the written announcement was issued and the date on which the increased prices were to become effective.

**Effective date.** The effective date of this supplementary regulation is October 27, 1951.

**NOTE:** The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DiSALLE,  
Director of Price Stabilization.

OCTOBER 22, 1951.

[F. R. Doc. 51-12802: Filed, Oct. 22, 1951;  
4:00 p.m.]

[General Overriding Regulations 4, Amdt. 2]

**GOR 4—EXEMPTIONS OF CERTAIN CONSUMER SOFT GOODS**

**FEATHERS**

Pursuant to the Defense Production Act of 1950, as amended, (Pub. Law 774, 81st Cong., Pub. Law 96, 82nd Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to General Overriding Regulation 4 is hereby issued.

## STATEMENT OF CONSIDERATIONS

This amendment adds certain types of feathers to the list of commodities exempted from price control by General Overriding Regulation 4. The types of feathers with which this amendment is concerned are domestically-produced and imported raw unprocessed chicken and turkey feathers and fibre, and domestically-produced and imported raw and unprocessed new, and unprocessed secondhand, goose and duck feathers and down.

These landfowl feathers and fibres, and waterfowl feathers, when sold in the processed state, are now subject to the provisions of Ceiling Price Regulation 87. For the purpose of continuity the facts and circumstances dictating the advisability of exemption of these raw stocks are presented in the statement of considerations of that regulation.

## AMENDATORY PROVISIONS

General Overriding Regulation 4 is amended by adding a new section 5 to read as follows:

**SEC. 5. Feathers.** Raw and unprocessed landfowl feathers and fibre, and raw and unprocessed new, and unprocessed secondhand, waterfowl feathers.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

**Effective date.** This Amendment 2 to General Overriding Regulation 4 is effective October 19, 1951.

MICHAEL V. DiSALLE,  
Director of Price Stabilization.

OCTOBER 19, 1951.

[F. R. Doc. 51-12743; Filed, Oct. 19, 1951;  
3:24 p. m.]

**Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency**

**Subchapter A—Salary Stabilization Board**

[General Salary Order 3]

**GSO 3—EXEMPTION FOR PANAMA CANAL ZONE**

**Statement of considerations.** The Wage Stabilization Board has by General Wage Regulation 16A exempted the wages, salaries, and other compensation of employees in the Panama Canal Zone from wage stabilization upon the ground, among others, that there are no privately owned businesses in the Panama Canal Zone producing goods for local consumption or for export to the continental United States and that, therefore, wage increases cannot increase the cost of living in the Panama Canal Zone or in the continental United States. Similar considerations justify the exemption of the relatively few employees in executive, administrative, professional and outside salesmen capacities in the Panama Canal Zone who are under the jurisdiction of the Salary Stabilization Board.

Practically all persons employed in the Panama Canal Zone are employees

either of the Panama Canal Government or the Panama Canal Company, a wholly owned subsidiary of the United States Government. It appears that less than four hundred persons are engaged in private employment, essentially in the servicing of steamship lines and communication companies doing business with the continental United States; only a few among them appear to be subject to the jurisdiction of the Salary Stabilization Board. Any increases in their compensation would not tend to produce inflationary pressures either in the Panama Canal Zone or in the continental United States. Because of the almost exclusively non-private character of employment in this area, the Panama Canal Zone has been exempted from price stabilization since February 23, 1951.

In view of the foregoing, the application of salary stabilization to the Panama Canal Zone is found by the Salary Stabilization Board to be unnecessary under present circumstances to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended. This General Salary Order No. 3 is therefore issued for the purpose of excluding this area from the scope of salary stabilization.

## REGULATORY PROVISIONS

**SECTION 1. Exemption of the Panama Canal Zone.** The salaries and other compensation of employees who are bona fide residents of and actually employed in the Panama Canal Zone are exempted from salary stabilization.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.)

By order of the Salary Stabilization Board,

RAYMOND B. ALLEN,  
Chairman.

OCTOBER 12, 1951.

[F. R. Doc. 51-12741; Filed, Oct. 19, 1951;  
3:31 p. m.]

**Chapter VI—National Production Authority, Department of Commerce**

[NPA Order M-1, Supp. 1—Revocation]

## M-1—IRON AND STEEL

## SUPP. 1—U. S. FREIGHT CAR PROGRAM

Supplement 1 (15 F. R. 7209) to NPA Order M-1 is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under Supplement 1 to NPA Order M-1, as originally issued or as amended from time to time, nor deprive any person of any rights received or accrued under said supplement prior to the effective date of this revocation.

Priority assistance for the U. S. Freight Car Program, formerly covered by Supplement 1 to NPA Order M-1, is now provided for under CMP regulations.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This revocation is effective October 22, 1951.

NATIONAL PRODUCTION AUTHORITY,  
By JOHN B. OLVERSON,  
Recording Secretary.

[F. R. Doc. 51-12775; Filed, Oct. 22, 1951;  
10:53 a. m.]

[INPA Order M-1, Supp. 2—Revocation]

## M-1—IRON AND STEEL

SUPP. 2—DIRECTIVES AND CERTIFICATES  
Supplement 2 (15 F. R. 7832) to NPA Order M-1 is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under Supplement 2 to NPA Order M-1, nor deprive any person of any rights received or accrued under said supplement prior to the effective date of this revocation.

Priority assistance for the Great Lakes Vessels Program, formerly covered by Supplement 2 to NPA Order M-1, is now provided for under CMP regulations.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This revocation is effective October 22, 1951.

NATIONAL PRODUCTION AUTHORITY,  
By JOHN B. OLVERSON,  
Recording Secretary.

[F. R. Doc. 51-12776; Filed, Oct. 22, 1951;  
10:53 a. m.]

[INPA Order M-1, Supp. 3—Revocation]

## M-1—IRON AND STEEL

## SUPP. 3—CANADIAN FREIGHT CAR PROGRAM

Supplement 3 (16 F. R. 229) to NPA Order M-1 is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under Supplement 3 to NPA Order M-1, nor deprive any person of any rights received or accrued under said supplement prior to the effective date of this revocation.

Priority assistance for the Canadian Freight Car Program, formerly covered by Supplement 3 to NPA Order M-1, is now provided for under CMP regulations.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This revocation is effective October 22, 1951.

NATIONAL PRODUCTION AUTHORITY,  
By JOHN B. OLVERSON,  
Recording Secretary.

[F. R. Doc. 51-12777; Filed, Oct. 22, 1951;  
10:53 a. m.]

[INPA Order M-1, Supp. 4—Revocation]

## M-1—IRON AND STEEL

## SUPP. 4—REPAIR AND CONVERSION OF SEAGOING VESSELS

Supplement 4 (16 F. R. 1707) to NPA Order M-1 is hereby revoked.

## RULES AND REGULATIONS

This revocation does not relieve any person of any obligation or liability incurred under Supplement 4 to NPA Order M-1, nor deprive any person of any rights received or accrued under said supplement prior to the effective date of this revocation.

Priority assistance for the Repair and Conversion of Seagoing Vessels Program, formerly covered by Supplement 4 to NPA Order M-1, is now provided for under CMP regulations.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C., App. Sup. 2154)

This revocation is effective October 22, 1951.

NATIONAL PRODUCTION AUTHORITY,  
By JOHN B. OLVERSON,  
Recording Secretary.

[F. R. Doc. 51-12778; Filed, Oct. 22, 1951;  
10:53 a. m.]

[NPA Reg. 1, as Amended October 22, 1951]

#### REG. 1—INVENTORY CONTROL

This amendment to NPA Reg. 1 is found necessary and appropriate to promote the national defense and is issued under the authority granted by section 101 of the Defense Production Act of 1950, as amended. Consultation with industry representatives, including trade association representatives, in advance of the issuance of this amendment has been rendered impracticable by the fact that this amendment applies to all trades and industries.

This amendment affects NPA Reg. 1 (issued Sept. 18, 1950), as follows:

"Part 10" in the title is deleted. Wherever the word "part" refers to "Part 10" the word "regulation" is inserted. Section 10.1 is redesignated section 1. A new section 2 is inserted. Sections 10.2 and 10.3 are redesignated, respectively, sections 3 and 4. Section 10.4 is deleted. Section 10.5 is redesignated section 5. Following paragraph (a) of section 5, a new paragraph (b) is inserted and the former paragraph (b) is redesignated paragraph (c). Paragraph (c) of former section 10.5 is deleted and is inserted as section 12. Sections 10.6 through 10.9 are redesignated, respectively, sections 6 through 9. Section 10.10 is redesignated section 13. Sections 10.11, 10.12, 10.13, 10.14, 10.15, and 10.16 are redesignated, respectively, sections 10, 11, 15, 16, 17, and 19. New sections 12, 14, and 18 are inserted.

Paragraph (c) of redesignated section 5 is amended. Redesignated section 8 is amended. In several minor respects redesignated sections 3 and 4, paragraph (d) of redesignated section 5, paragraph (b) of redesignated section 7 and redesignated sections 9, 13, 16, 17, and 19 are amended. Table I is redesignated Table IA and is amended by the addition of certain materials. A few materials on former Table I are deleted. Two new tables are added and designated, respectively, "Table IB" and "Table II."

NPA Reg. 1, is hereby amended to read as follows:

#### Sec.

1. What this regulation does.
2. Definitions.
3. Materials affected.
4. Persons affected.
5. Restrictions on receipts.
6. Restriction on deliveries.
7. Restrictions on ordering.
8. Adjustment of orders.
9. Receipts permitted after adjustment of orders.
10. Imported materials.
11. Minimum production or sales quantities.
12. Excess inventory.
13. Separate operating units.
14. Relation to other NPA regulations and orders.
15. Defense against claims for damages.
16. Records and reports.
17. Applications for adjustment or exception.
18. Communications.
19. Violations.

AUTHORITY: Sections 1 to 19 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1950, 16 F. R. 61.

**SECTION 1. What this regulation does.** The purpose of this regulation is to prevent the accumulation of excessive inventories of materials in short supply. It does this by limiting the quantities of such materials that can be ordered, received, or delivered.

**SEC. 2. Definitions.** As used in this regulation:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Practicable minimum working inventory" means the smallest quantity of material from which a person can reasonably meet his deliveries or supply his services on the basis of his currently scheduled method and rate of operation. In the absence of unusual circumstances, a person's inventory will be considered more than a practicable minimum working inventory if the ratio of his inventory to his currently scheduled operations is substantially greater than the ratio which he normally maintained between his inventory and his operations during the recent past.

**SEC. 3. Materials affected.** This regulation applies only (a) to those materials listed in Table IA or Table IB (as amended from time to time) appearing at the end of this regulation, in the shapes and forms therein specified, or if no particular shape or form of any such material is specified, then in all shapes and forms of such material, and (b) to such other materials as may be made subject to it by any other NPA regulation or order.

**SEC. 4. Persons affected.** This regulation applies to all persons buying for use or resale, including resale in export trade, except an ultimate consumer with respect to the buying of materials for his personal or household use.

**SEC. 5. Restrictions on receipts.** (a) No person may receive or accept delivery of any material listed in Table IA of this regulation, if his inventory of such

material is, or by reason of such receipt would become, more than a practicable minimum working inventory.

(b) No person buying for use in production or construction or for use as maintenance, repair, or operating supplies, may receive or accept delivery of any material listed in Table IB of this regulation, if his inventory of such material is, or by reason of such receipt would become, more than a practicable minimum working inventory, or more than the smallest quantity thereof reasonably required to meet his deliveries or supply his services on the basis of his currently scheduled rate of operation during the next succeeding number of calendar days listed for that material in column 2 of Table IB, whichever is less.

(c) In figuring his inventory a person must include all such material referred to in paragraphs (a) and (b) of this section, in his possession or held for his account by others, but not that held by him for the account of others. For the purpose of the restrictions in paragraphs (a) and (b) of this section, a material which is to be further processed is considered to be in inventory until actually put into process or actually installed or assembled. For the purpose of this regulation, processing does not include minor initial operations, such as painting, cutting, trimming, or other operation, unless such initial operation is a part of a continuous fabricating or assembling operation; nor does it include operations such as inspection, testing, and aging, or segregation or earmarking for a specific job.

(d) Any person engaged in a seasonal business or industry who normally stocks inventory in advance of the season may, notwithstanding the restrictions in paragraphs (a) and (b) of this section, accept such advance delivery of his seasonal requirements provided that the deliveries accepted are no greater and no further in advance than those which he would normally accept in the ordinary course of his business to meet reasonably anticipated seasonal requirements.

**SEC. 6. Restriction on deliveries.** No person may deliver any material if he knows, or has reason to believe, that the person requesting delivery is forbidden to receive it by this regulation.

**SEC. 7. Restrictions on ordering.** (a) No person may place any order calling for delivery of any material earlier, or in larger amounts, than he would be permitted to receive under this regulation.

(b) No person may place separate orders with the same supplier, or with different suppliers, calling for delivery in the aggregate of any material in excess of the amount he is permitted to receive under this regulation even though he intends to cancel one or more of the orders before delivery.

**SEC. 8. Adjustment of orders.** (a) A person who, prior to October 22, 1951, has placed any order for a material calling for delivery earlier, or in greater quantities, than he is permitted to receive under this regulation must promptly cancel, reduce, or defer delivery under,

every such order to the extent necessary so that delivery will not result in his exceeding his practicable minimum working inventory of such material. Nothing in this section shall affect any obligation of, or liability incurred by, a person under this regulation prior to the effective date of any amendment of this regulation.

(b) A person whose requirements change because of an alteration in his operations, slowing or stoppage of his production, or delayed delivery by suppliers, or for any other reason, must promptly cancel, reduce, or defer delivery under his outstanding orders to the extent necessary so that delivery will not result in his exceeding his practicable minimum working inventory.

**SEC. 9. Receipts permitted after adjustment of orders.** Where a person has promptly adjusted his outstanding orders as required by section 8 of this regulation, delivery of the material involved may be made and accepted, and the restrictions on receipts of materials provided in this regulation may be exceeded, in any of the following cases only:

(a) If the supplier has shipped the material or loaded it for shipment before receipt of the instruction to adjust the order.

(b) If the material is a special item which, before receipt of the instruction to adjust the order, the supplier had in stock, or in production, or for the production of which he had acquired special components or special materials. For the purpose of this section a "special item" is one which the supplier does not usually make, stock, or sell, and which cannot readily be disposed of to others.

(c) If the material had already been produced or was in production before receipt of the instruction to adjust the order and cannot be used to fill other orders on the producer's books.

**SEC. 10. Imported materials.** A person may import any material acquired prior to landing without regard to the inventory restrictions of this regulation. However, if his inventory of a material thereby becomes in excess of the amount permitted, he may not receive further deliveries of it from domestic sources until his inventory is reduced to permitted levels. The inventory restrictions of this regulation do apply to any deliveries of the imported material he makes, and to the amount of it that any person accepting delivery from him is permitted to receive.

**SEC. 11. Minimum production or sales quantities.** In the case of materials that are mass produced or are normally marketed only in minimum sales quantities, a person may order and receive from a producer a minimum production run of such a material, or from any other supplier a minimum sales quantity, provided it is not practicable for him to procure his needs from other suppliers in smaller quantities, even though his inventory of such material is thereby increased beyond a practicable minimum working inventory. He may not thereafter receive additional quantities of such material until his inventory thereof

is reduced below a practicable minimum working inventory.

**SEC. 12. Excess inventory.** This regulation does not provide for disposal of excess inventory which may be on hand. Excess inventory may, however, be subject to requisition under certain circumstances, as provided in section 201 (a) of Title II of the Defense Production Act of 1950, as amended.

**SEC. 13. Separate operating units.** A person who has more than one operating unit in his business may maintain separate inventory records for each or any of such units. The provisions of this regulation shall apply independently to any unit for which separate inventory records are maintained.

**SEC. 14. Relation to other NPA regulations and orders.** Other or additional inventory restrictions are included in certain NPA orders and other regulations presently in effect, and may be included in NPA orders and other regulations issued in the future. The inventory restrictions of any such order or other regulation shall govern to the extent that they modify this regulation. Table II at the end of this regulation includes a list of materials with respect to which quantitative inventory restrictions are provided in the orders and other regulations listed in that table, in effect on October 15, 1951. Even if an NPA order or other regulation containing inventory restrictions is not listed in Table II, a person must nevertheless comply with such restrictions. Upon revocation in any manner of the inventory restrictions of an order or regulation listed in Table II, covering a material listed in Table IA or Table IB of this regulation, all provisions of this regulation shall apply to such material.

**SEC. 15. Defense against claims for damages.** Persons complying with this regulation are entitled to the protection afforded by section 707 of the Defense Production Act of 1950, as amended, which provides in part that "No person shall be held liable for damages or penalties for any act or failure to act resulting directly or indirectly from his compliance with a rule, regulation, or order issued pursuant to this act, notwithstanding that any such rule, regulation, or order shall thereafter be declared by judicial or other competent authority to be invalid."

**SEC. 16. Records and reports.** (a) Each person participating in any transaction covered by this regulation, shall make and retain in his possession for at least 2 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit an audit that determines whether the provisions of this regulation have been met. This regulation does not require any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who have maintained or may maintain such microfilm or photographic records

in the regular or usual course of business.

(b) All records required by this regulation shall be made available at the usual place of business where maintained, for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this regulation shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

**SEC. 17. Applications for adjustment or exception.** Any person affected by any provision of this regulation may file an application for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering a request for adjustment claiming that the public interest is prejudiced by the application of any provision of this regulation, consideration will be given to the requirements of the public healthy and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, filed in triplicate with NPA, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

**SEC. 18. Communications.** All communications concerning this regulation shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Reg. 1.

**SEC. 19. Violations.** Any person who willfully violates any provision of this regulation or any other regulation or order of NPA or who willfully conceals a material fact or furnishes false information in the course of operation under this regulation, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to compel adjustment of his inventories or to suspend his privilege of making or receiving further deliveries of materials or of using facilities under priority or allocation control and to deprive him of further priorities assistance.

**NOTE:** All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

NPA Reg. 1, as so amended, shall take effect on October 22, 1951.

NATIONAL PRODUCTION  
AUTHORITY  
By JOHN B. OLVERSON,  
Recording Secretary.

#### TABLE IA OF NPA REG. 1

MATERIALS SUBJECT TO PRACTICABLE MINIMUM WORKING INVENTORY LIMITATION (See section 5 (a))

[\*Items preceded by asterisk have been added since original issuance of NPA Reg. 1 (Sept. 18, 1950)]

#### BUILDING MATERIALS

\*Cast iron pressure pipe and fittings.

## RULES AND REGULATIONS

## CHEMICALS

- \*Allethrin.
- \*Alkyl phenols.
- \*Alpha picoline.
- \*Amylphenol.
- \*Aniline.
- \*Anthraquinone.
- Benzene (benzol).
- \*Butyl phenol.
- \*Calcium carbide.
- \*Carbon disulfide.
- \*Carbon tetrachloride.
- Chlorine, gaseous and liquid.
- \*Chloroform.
- \*Chlorophenol-para.
- \*Cobalt salts and driers.
- \*Copper-8-hydroxyquinolinolate.
- \*Copper chemicals.
- \*Cyclohexanol.
- \*Cyclohexylamine.
- \*Dichlorodiphenyltrichloroethane.
- \*Dichlorobenzene, ortho, meta, and para.
- \*2-4 Dichlorophenoxy acetic acid.
- \*Dihydroxydichlorodiphenyl methane.
- \*Diphenylamine.
- \*Ethylene oxide.
- \*Freon.
- Glycerine, crude, and refined.
- \*Hexylresorcinol.
- \*Hydrofluoric acid.
- \*Hydrogen peroxide.
- \*Hydroquinones.
- \*Iron oxide yellow.
- \*Lead napthenate.
- \*Lithium salts.
- \*Maleic anhydride.
- \*Melamine resins and molding powders.
- \*Methanol.
- \*Methyl chloride.
- \*Methylene chloride.
- \*Naphthalene.
- \*Naphthenic acid.
- \*Nickel salts.
- \*Nicotinamide.
- \*Nicotinic acid.
- \*Nylon, plastic type.
- \*Orthophosphoric acid.
- \*Oxygen.
- \*Parachlorophenol.
- \*Paranitrophenol.
- \*Pentaerythritol.
- \*Perchloroethylene.
- \*Phenol.
- \*Phenolic resins and molding powders.
- \*Phosphate plasticizers.
- \*Phosphorus.
- \*Phthalic anhydride.
- \*Polyethylene.
- \*Polyethylene resins.
- \*Polytetrafluoroethylene.
- \*Polyvinyl acetate.
- \*Polyvinyl alcohol.
- \*Polyvinyl chloride and copolymer resins.
- \*Polyvinylidene chloride and copolymer resins.
- \*Pyrethrum.
- \*Pyridine.
- \*Quinoline.
- \*Resorcinol.
- \*Resorcinol resins.
- \*Sebacic acid.
- \*Sodium chlorate.
- \*Sodium hydrosulfite.
- \*Sodium sulfoxylate formaldehyde.
- \*Styrene.
- \*Sulfur.
- \*Sulfuric acid.
- \*Tetraethylthiuramidisulfide.
- \*Thiokol—polymers.
- \*Trichloroethylene.

## FOREST PRODUCTS

- Lumber (except railway crossties, mine ties, and hardwood flooring), excluding inventories of producers or distributors, but including inventories of users.
- \*Plywood (softwood and hardwood), excluding inventories of producers or distributors, but including inventories of users.

- \*Wood poles and piles, excluding inventories of producers or distributors, but including inventories of users.
- Wood pulp.
- \*Paper, paperboard, wet machine board, and construction paper and board materials, all types and grades.
- \*Converted paper and board products, all types and grades.

## LEATHER AND TANNING MATERIALS

- \*Hides and skins (domestic).
- \*Vegetable tanning materials:
  - \*Chestnut.
  - \*Quebracho.
  - \*Wattle.

## IRON AND STEEL

- Iron:
  - Pig iron.
  - \*Gray iron castings (excluding soil and pressure pipe and fittings), rough and semifinished.
  - Malleable iron castings, rough and semi-finished.
  - Steel forgings, rough.
  - Iron and steel scrap.

## METALS AND MINERALS

- Aluminum scrap.
- \*Antimony and antimony scrap.
- \*Asbestos, amosite.
- \*Asbestos, chrysotile, spinning fibers.
- \*Asbestos, crocidolite.
- \*Beryllium, metals, oxides, alloys, and compounds.
- \*Bismuth.
- \*Boron: Ferro-boron, boron metal, and all other alloys used as sources of boron.
- \*Cadmium.
- \*Calcium: Calcium-silicon, calcium-manganese-silicon, and metallic calcium.
- \*Cerium:
  - Cerium metal, cerium alloys, such as ferrocerium and cerium compounds in which cerium is a recognizable component.
  - All scrap and waste material containing commercially recoverable cerium of the above listed types.
- \*Chromium: All forms of ferro-chromium and all other compositions containing more than 25 percent chromium, which are used as sources of chromium in commercial manufacture or processing.

- Cobalt:
  - The element in any form and combination with other elements in which cobalt is an essential constituent (except cobalt concentrates, cemented carbide-tipped tools, cast cobalt-chrome-tungsten-molybdenum tools, and alloy hard-facing welding rods and materials; and except paints, varnishes, lacquers, inks, and similar products containing cobalt driers).
  - All scrap or secondary materials containing commercially recoverable cobalt.
- Columbium:
  - Ferro-columbium, potassium columbium fluoride, columbium oxide, and columbium carbide.
  - All scrap or secondary material containing commercially recoverable columbium.

- Copper:
  - Refined copper (fire-refined and electrolytic).
  - Secondary copper and copper-base alloys.
  - All copper and copper-base alloy scrap containing commercially recoverable copper.
- \*Corundum, grain, and superfines.
- \*Diamonds, industrial.
- \*Electrodes, carbon.
- \*Fluorspar acid.
- \*Graphite, artificial, electrodes and anodes.
- \*Graphite, natural:
  - \*Crucible flake.
  - \*Madagascar flake.
  - \*Ceylon lump, 95 percent and higher carbon.
- \*Iridium.
- \*Lead, all forms.

## Magnesium:

- Magnesium, primary and secondary ingots.
- Semifabricated shapes.
- All magnesium-base alloy scrap containing commercially recoverable magnesium.

## Manganese:

- Manganese metal, ferro-manganese, splegeisen, and all other compounds and alloys which are used as sources of manganese in the manufacture of any alloy products.

- All scrap and material containing sufficient manganese to be of commercial value as an alloying agent.

- \*Mica, muscovite block and film, good stained and better.
- \*Mica, splittings, muscovite, and phlogopite.

- \*Molybdenum: Pure molybdenum and ferromolybdenum, all grades of molybdenum oxide, and all primary molybdates and other molybdenum compounds used as sources of molybdenum in commercial manufacture and processing.

## Nickel:

- Nickel, alloyed or unalloyed.

- Imported nickel matte.

- Nickel and nickel alloy, metal (cathode nickel, pigs, shot, and other primary forms).

- Nickel and nickel alloy, secondary.

- Nickel and nickel alloy, semifinished; bars, rods, tubes, sheet bar, ingot, blooms, billets, sheet strip, and similar mill products not further manufactured.

- All nickel and nickel-base alloy scrap and nickel silver scrap containing commercially recoverable nickel.

- \*Osmium.

- Scrap, nonferrous, all types.

- \*Selenium.

- \*Silicon: All grades of ferro-silicon, including silvery iron or silicon pig; all grades of silicon metal; and all other compositions containing more than 6 percent silicon, which are used as sources of silicon in the manufacture of any alloy products.

- \*Talc, block (steatite).

- \*Tantalum metal and alloys, and all scrap and waste material containing commercially recoverable tantalum.

## Tin:

- Tin, primary and secondary.

- \*Tin, chemicals, including tin oxide.

- \*Tin products such as tin pipe and sheet.

- \*All alloys containing tin.

- All tin and tin-base alloy scrap containing commercially recoverable tin.

- \*Titanium:

- \*Ingot.

- \*Semifabricated shapes.

- \*Sheets, tubes, extrusions.

- \*All grades of ferro-titanium, titanium metal, and other alloys used to add titanium in the manufacture of any alloy products.

- \*All titanium-base alloy scrap.

## Tungsten:

- Tungsten, in any form or shape into which it may be fabricated: except such finished forms as are fabricated for installation (without further processing) into electrical communication systems, incandescent lamps, and electronic equipment such as radio, radar, and similar products.

- Tungsten, ferro, metal powder, and any other ferrous combination of the element tungsten in semimanufactured or manufactured form, excluding alloy steel, high speed steel, and tool steel.

- Tungsten, all nonferrous mixtures or alloys containing tungsten, prepared for any purpose requiring further processing, whether the same or manufactured by means of melting, pressing, sintering, brazing, soldering, or welding, including but not limited to mixtures or alloys to be used in the production of tools and tool blanks or as hard-facing materials; but not including any finished tools.

## Tungsten—Continued

Tungsten, all chemical compounds having tungsten as a recognizable and essential component.

Tungsten, all scrap or secondary material containing commercially recoverable tungsten.

\*Vanadium: All forms of ferro-vanadium, vanadium pentoxide, and all other alloys and compositions used as sources of vanadium in commercial manufacture and processing.

## Zinc:

Zinc, slab (all grades).

Zinc-base alloy in crude form.

Zinc, dust and oxide.

Zinc, and zinc-base alloy scrap containing commercially recoverable zinc.

\*Zirconium: Zirconium metal, ferro-aluminum-zirconium-silicon alloys, and all other metallic compositions used as sources of zirconium in the manufacture of any alloy products.

## RUBBER MATERIALS

Natural rubber, dry and latex.

Synthetic rubbers, including latices, GR-S, butyl, neoprene, and N-types.

## TEXTILE MATERIALS

\*Bristle, nylon tapered.

Burlap, Hessian (in the piece).

\*Cotton duck, army (in the piece).

\*Cotton duck, numbered (in the piece).

Nylon staple and nylon filament yarn.

Rayon yarn, high tenacity.

\*Silk, noids and waste.

\*Twine, binder and baler.

\*Webbing (heavy military types).

## MISCELLANEOUS

\*Aluminum foil, converted.

\*Bristles.

Cans.

\*Collapsible tubes.

\*Containers and fabricated products made wholly or partly from aluminum foil.

\*Containers, metal delivery and fluid milk shipping containers.

\*Containers, other shipping containers, packages and packaging material.

Cylinders, gas.

\*Drums, steel, shipping.

\*Packaging closures.

\*Reels and spools, shipping and package, (wholly or in part of metal).

\*Strapping, metal.

\*Textile bags.

\*Unit packages, wrappers, and shipping containers of all types made wholly or partly from any of the following films and plastics: Cellophane, cellulose acetate, cellulose acetate butyrate, ethyl cellulose, melamine resins and molding powders, methyl cellulose, phenolic resins and molding powders, piolofilm, polyethylene, polystyrene and copolymers, polyvinyl alcohol, polyvinyl chloride and copolymers, polyvinylidene chloride and copolymers, and urea resins and molding powders.

## TABLE IB OF NPA REG I

## MATERIALS SUBJECT TO SPECIFIC CALENDAR DAY INVENTORY LIMITATION OR TO PRACTICABLE MINIMUM WORKING INVENTORY LIMITATION, WHICHEVER IS LESS (See section 5 (b))

[\*Items preceded by asterisk have been added since original issuance of NPA Reg. 1 (Sept. 18, 1950)]

## Inventory limitation

Materials	(calendar days)
*Aluminum castings (before machining)	45
*Aluminum forgings, pressings and impact extrusions (before machining)	45
*Components and parts for electric bulbs and tubes	60
*Platinum	60
*Reels and spools, shipping and package, wholly or in part of metal	45
*Strapping, metal	145

<sup>1</sup> But not less than 1,000 pounds of strapping.

## TABLE II OF NPA REG. 1

## MATERIALS SUBJECT TO SPECIAL INVENTORY RESTRICTIONS IN NPA ORDERS OR OTHER NPA REGULATIONS (See section 14)

Materials	(1) NPA order or regulation	(2) NPA order or regulation
Iron and steel (noncontrolled materials):		
Gray and malleable iron castings	M-1	
Steel products fabricated:		
Forgings	M-1	
Netting	M-1	
Welded wire mesh	M-1	
Wire rope and strand	M-1	
Pig iron	M-1	
Natural rubber, dry and latex	M-2	
Synthetic rubbers:		
GR-1 and GR-S, including latices	M-2	
Pig tin	M-8	
Lead-base alloys (1.5 percent or more tin)	M-8	
All other materials and alloys containing 1.5 percent or more tin	M-8	
Zinc, slab	M-15	
Copper scrap	M-16	
Bristles	M-18	
Cadmium	M-19	
Iron and steel scrap	M-20	
Aluminum scrap	M-22	
Cans	M-25	
Packaging closures	M-26	
Zinc scrap	M-37	
Pig lead, lead-base alloys, lead products, and lead scrap	M-38	
Antimony and antimony scrap	M-39	
Sulfuric acid	M-45	
	(Sched. 3)	
Resorcinol	M-45	(Sched. 6)
Bismuth	M-48	
Steel, copper, and aluminum for electric utilities	M-50	
Platinum scrap	M-54	
Binder and baling twine	M-58	
Strapping, metal	M-59	
Aluminum foil, converted	M-67	
Sulfur	M-69	
Marine MRO	M-70	
Chemical wood pulp	M-72	
Steel shipping drums	M-75	
MRO for mining industry	M-78	
Alloying materials:		
Boron	M-80	
Calcium	M-80	
Chromium	M-80	
Cobalt	M-80	
Columbium and tantalum	M-80	
Manganese	M-80	
Molybdenum, excluding pure molybdenum	M-80	
Nickel	M-80	
Silicon	M-80	
Titanium	M-80	
Tungsten, excluding pure tungsten	M-80	
Vanadium	M-80	
Zirconium	M-80	
Pure tungsten	M-81	
Pure molybdenum	M-81	
Brass mill products	M-82	
Copper wire mill products	M-86	
Steel (controlled material shapes and forms)	CMP Reg. 2	
Copper (controlled material shapes and forms)	CMP Reg. 2	
Aluminum (controlled material shapes and forms)	CMP Reg. 2	
MRO—general	CMP Reg. 5	
MRO repairmen	CMP Reg. 7	

[F. R. Doc. 51-12787; Filed, Oct. 22, 1951; 11:11 a. m.]

[NPA Reg. 1; Interpretations 1, 2, and 3 as Amended Oct. 22, 1951]

## REG. 1—INVENTORY CONTROL

The following interpretations of NPA Reg. 1, as amended October 22, 1951, are issued:

Interpretation 1—Actions required to adjust orders.

Interpretation 2—Persons subject to exemption of imported materials.

Interpretation 3—Deliveries through intervening dealers after adjustment of orders.

## INTERPRETATION 1

Action required to adjust orders. (a) It is provided in section 8 of NPA Reg. 1 that, where a person has outstanding orders calling for deliveries which, if accepted, would result in his exceeding his practicable minimum working inventory, he must promptly cancel, reduce, or defer such orders to the extent necessary to avoid that result.

(b) It is not the intention of section 8 of NPA Reg. 1 to prescribe which of these methods, i. e. cancellation, reduction, or deferment, is to be employed to avoid excessive deliveries. This section thus does not confer an absolute right to cancellation of an order in any case, but offers to both parties the alternatives of reduction and deferment, thereby enabling the parties to hold to a minimum the interference with existing contracts. Consequently, since any adjustment of purchase orders which prevents accumulation of excessive inventories serves the purpose of NPA Reg. 1, no particular form of adjustment is prescribed, but the matter is left to mutual agreement of the parties.

## INTERPRETATION 2

Persons subject to exemption of imported materials. (a) It is provided in section 10 of NPA Reg. 1 that a person may import any material acquired prior to landing without regard to the inventory restrictions of that regulation.

(b) The term "landing" is interpreted as including entry by land as well as by sea or air. The exemption is not limited, however, to the person who takes title prior to landing or who makes the customs entry. It extends also to persons who, prior to landing, purchase or contract to purchase the material from or through the importing broker, wholesaler, or other importer, even though the latter makes the customs entry in his own name, places the material on board the inland carrier for shipment to his customer, and retains title until such shipment is made. If the broker, wholesaler, or other importer takes the material into his own stock or inventory, however, any person to whom he delivers it is subject to NPA Reg. 1 and may not accept delivery if his inventory already is or would thereby be made excessive.

(c) One result of this rule is that the requirements of section 8 of NPA Reg. 1 with respect to adjustment of outstanding orders do not apply to orders for imported material placed by persons who, as above explained, are entitled to take delivery from or through the broker, wholesaler, or other importer who does not take the materials into his own stock or inventory. Outstanding orders for domestic materials must, of course, be adjusted as provided in section 8.

## INTERPRETATION 3

Deliveries through intervening dealers after adjustment of orders. (a) It is provided in section 9 of NPA Reg. 1 that delivery may be made by and accepted from certain described suppliers where

## RULES AND REGULATIONS

specified conditions are satisfied, and that the restrictions on receipts may be thereby exceeded, notwithstanding the adjustment of outstanding orders required by section 8 of that regulation.

(b) The basis of each of these provisions is that it would be inequitable to prohibit the described supplier from making delivery where, before receiving instructions to adjust his customer's outstanding order, he has already loaded, placed in physical transit, produced, etc., the material to the specified extent for the purpose of filling the specific order sought to be adjusted. To make effective the supplier's right to deliver, however, there is necessarily provided a corresponding right to receive delivery by persons whose permitted inventories would otherwise be exceeded.

(c) Although these provisions are expressed in terms of a two-party transaction, one party being the person making delivery and the other being the person receiving delivery, it is apparent that between these two parties there may be one or more intervening dealers who, although perhaps buying and selling in their own names, do not take or make physical delivery but serve as conduits through whom delivery is made by their suppliers to their customers. It is clearly the latter delivery to which NPA Reg. 1 refers. The persons authorized by section 9 of that regulation to receive delivery are thus not such intervening dealers but rather the persons who, notwithstanding the required adjustment of their outstanding orders, would otherwise exceed their permitted inventories by accepting delivery. It is into their inventories that delivery is allowed to go. The purpose of section 9, in other words, is to allow delivery to be made by the person with physical possession who meets the specified conditions, and to be received by the person taking the material into his physical inventory—the latter being the person who initially gives the instruction to adjust his outstanding orders, regardless of how many intervening dealers who do not take the material into inventory may be involved.

(d) Paragraphs (a), (b), and (c) of section 9 of NPA Reg. 1 are accordingly interpreted to permit delivery to be made and accepted in conformity with such purpose. Where a person, having placed orders with an intervening dealer who does not take the material into his physical inventory, gives instructions to adjust such orders under section 8 of NPA Reg. 1, the intervening dealer may likewise adjust the order which he has placed for the specific material to fill his customer's order. Correspondingly, where the supplier described in section 9 is entitled to make delivery in spite of the instruction to adjust, such intervening dealer has the same right, so that the material may ultimately be received by the person initiating the instruction to adjust.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

**NATIONAL PRODUCTION  
AUTHORITY,  
By JOHN B. OLVERSON,  
Recording Secretary.**

[F. R. Doc. 51-12790; Filed, Oct. 22, 1951;  
11:11 a. m.]

[CMP Regulation No. 1, Direction 7, as  
Amended Oct. 22, 1951]

### CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

#### DIR. 7—SHIPMENTS OF CONTROLLED MATERIALS IN THE FOURTH QUARTER OF 1951 WHICH WERE SCHEDULED FOR SHIPMENT IN THE THIRD QUARTER OF 1951

This amended direction under CMP Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction as amended, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

SECTION 1. A person whose delivery order for controlled materials has been accepted by a supplier for shipment during the third calendar quarter of 1951 may accept delivery of such materials shipped during the first 7 days of the fourth calendar quarter of 1951 without charging his fourth quarter allotment of such materials where the postponement of shipment has occurred through no fault of such person but by reason of the inability of the supplier to ship on the original delivery date. Where shipment is made after the first 7 days of the fourth calendar quarter of 1951 or where the original order specified delivery in the fourth calendar quarter of 1951, such person must deduct the amount of such materials from his fourth quarter allotment whether he obtained them by use of an authorized controlled material order, a rated order, or an unrated order. Such person shall, not later than October 31, 1951, cancel or reduce any outstanding orders for controlled materials calling for, or scheduled for, delivery in the fourth calendar quarter to the extent that shipments not made prior to October 8, 1951, pursuant to his outstanding orders accepted for delivery in the third calendar quarter plus his outstanding orders accepted for delivery in the fourth calendar quarter, exceed his allotment for the fourth calendar quarter.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This direction as amended shall take effect on October 22, 1951.

**NATIONAL PRODUCTION  
AUTHORITY,  
By JOHN B. OLVERSON,  
Recording Secretary.**

[F. R. Doc. 51-12789; Filed, Oct. 22, 1951;  
11:11 a. m.]

[CMP Regulation No. 6, Direction 8, as  
Amended Oct. 22, 1951]

### CMP REG. 6—CONSTRUCTION UNDER THE CONTROLLED MATERIALS PLAN

#### DIR. 8—SHIPMENTS OF CONTROLLED MATERIALS IN THE FOURTH QUARTER OF 1951 WHICH WERE SCHEDULED FOR SHIPMENT IN THE THIRD QUARTER OF 1951

This amended direction under CMP Regulation No. 6 is found necessary and

appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction as amended, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

SECTION 1. A person whose delivery order for controlled materials has been accepted by a supplier for shipment during the third calendar quarter of 1951, may accept delivery of such materials shipped during the first 7 days of the fourth calendar quarter of 1951 without charging his fourth quarter allotment of such materials where the postponement of shipment has occurred through no fault of such person but by reason of the inability of the supplier to ship on the original delivery date. Where shipment is made after the first 7 days of the fourth calendar quarter of 1951 or where the original order specified delivery in the fourth calendar quarter of 1951, such person must deduct the amount of such materials from his fourth quarter allotment whether he obtained them by use of an authorized controlled material order, a rated order, or an unrated order. Such person shall, not later than October 31, 1951, cancel or reduce any outstanding orders for controlled materials calling for, or scheduled for, delivery in the fourth calendar quarter to the extent that shipments not made prior to October 8, 1951, pursuant to his outstanding orders accepted for delivery in the third calendar quarter plus his outstanding orders accepted for delivery in the fourth calendar quarter, exceed his allotment for the fourth calendar quarter.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154.)

This direction as amended shall take effect on October 22, 1951.

**NATIONAL PRODUCTION  
AUTHORITY,  
By JOHN B. OLVERSON,  
Recording Secretary.**

[F. R. Doc. 51-12788; Filed, Oct. 22, 1951;  
11:11 a. m.]

## Chapter VIII—Defense Transport Administration

[Administrative Order DTA 2]

### DTA 2—TRANSPORTATION OF GRAIN BY VESSELS OF CANADIAN REGISTRY

Sec.

1. Purpose of order.
2. Application for certificate.
3. Investigation.

AUTHORITY: Sections 1 to 3 issued under Pub. Law 162, 82d Cong.

SECTION 1. Purpose of order. Public Law 162, 82d Congress, provides that vessels of Canadian registry, when and to the extent certified by the Defense Transport Administration as to the need therefor, shall be permitted to transport grain between United States ports on the Great Lakes until December 31, 1951, or until such earlier time as the Congress

by concurrent resolution or the President by proclamation may designate.

**SEC. 2. Application for certificate.** Any operator of a vessel of Canadian registry who desires to transport grain between United States ports on the Great Lakes pursuant to the provisions of said Public Law 162 should apply for a certificate to the Defense Transport Administration, Inland Water Transport Division, Washington 25, D. C. Applications for certificates may be made orally or in writing and should include the name and address of the applicant, the name of the vessel, the approximate quantity of grain to be transported, the proposed date of shipment, the port of loading, and the port of discharge.

**SEC. 3. Investigation.** Upon receipt of an application submitted in accordance with the provisions of section 2 hereof the Defense Transport Administration will make such investigation as may be required to determine whether there is need for the transportation service covered by such application. If such investigation discloses a need for such

service a certificate will be issued, otherwise the application will be denied.

Issued at Washington, D. C., this 18th day of October 1951.

JAMES K. KNUDSON,  
Administrator,

Defense Transport Administration.

[F. R. Doc. 51-12806; Filed, Oct. 22, 1951;  
12:13 p. m.]

## Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 3, Amdt. 5 to Schedule A]

### RR3—HOTEL REGULATION

#### SCH. A—DEFENSE RENTAL AREA

##### CALIFORNIA AND TEXAS

Amendment 5 to Schedule A of Rent Regulation 3—Hotel Regulation. Said Regulation is amended in the following respect:

New Items 34 and 320 are hereby added to Schedule A as follows:

Name of defense-rental area	State	County or counties in defense-rental area under Rent Regulation 3	Maximum rent date	Effective date of regulation
(34) Richmond-Vallejo.....	California.....	Solano County.....	Sept. 1, 1950	Oct. 23, 1951
(320) Florence-Killeen-Temple.....	Texas.....	Bell and Coryell Counties; in Williamson County, precincts 4 and 5.	July 1, 1950 Do,	

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective October 23, 1951.

Issued this 19th day of October 1951.

JOHN J. MADIGAN,

Acting Director of Rent Stabilization.

[F. R. Doc. 51-12737; Filed, Oct. 22, 1951; 8:45 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF AGRICULTURE

#### Production and Marketing Administration

#### [7 CFR Part 993]

#### HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

#### NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO AMENDMENTS OF AMENDED ADMINISTRATIVE RULES AND PROCEDURES

Notice is hereby given that the Secretary of Agriculture is considering the approval of proposed amendments submitted by the Prune Administrative Committee and set forth hereinafter, of the amended administrative rules and procedures (16 F. R. 9387, 10621) issued pursuant to the applicable provisions of Marketing Agreement No. 110, as amended, and Marketing Order No. 93, as amended (16 F. R. 8437), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with

the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the 10th day after the date of publication of this notice in the FEDERAL REGISTER, except that, if said 10th day after publication should fall on a legal holiday or Saturday or Sunday, such submission will be received by the Director not later than the close of business on the next following business day. The proposed amendments are as follows:

1. Amend the provisions of § 993.148 (d) of the amended administrative rules and procedures to read as follows:

(d) Comparable size requirement of prunes treated as substandard prunes. The weighted average size count of substandard prunes of a size count of 121 or less prunes per pound which are held for the account of the committee by a handler on the equivalent quantity basis prescribed in § 993.48 (e) (2) of the order shall not exceed by more than 20 prunes per pound when delivered to the committee the weighted average size count of such off-grade prunes in appraisal lots as shown on the applicable certificates of appraisal issued to the

handler for that crop year. The weighted average size count of substandard prunes of a size count of 121 or less prunes per pound which are received and held as such for the account of the committee by a handler shall be no greater when delivered to the committee than the weighted average size of such off-grade prunes as shown on the applicable certificates of inspection issued to the handler for that crop year, except for such tolerance allowances as the committee may establish in accordance with the provisions of § 993.161 (b) (4). Any substandard prunes of a size count of 122 or more prunes per pound, whether received as such or in appraisal lots, which are held for the account of the committee by a handler shall have no limitation with respect to the weighted average size count thereof when delivered to the committee: Provided, That such substandard prunes shall be treated as a size category separate and apart from any other substandard prunes held by the handler, and when delivered to the committee, the weighted average size count thereof shall not be averaged in with nor affect the weighted average size count of any other substandard prunes of the handler.

2. Amend the provisions of § 993.161 (b) by adding at the end thereof three new subparagraphs numbered (3), (4) and (5), and which read as follows:

(3) Tolerance allowances for shrinkage in weight. In the event that on the basis of tests conducted by or for the prune industry, or on the basis of information developed from reliable sources, the committee finds that during the crop year shrinkage in weight of surplus tonnage prunes over which handlers have no control has occurred, the committee may, with the approval of the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, establish one or more tolerance allowances for such shrinkage in weight to which handlers who hold surplus tonnage prunes for the account of the committee shall be entitled upon delivery of such prunes to the committee or its assignee. Such a tolerance allowance may be established to apply to all surplus tonnage so held by handlers during the crop year, or a separate tolerance allowance may be established for each grade, size or combination of sizes, holding period, or delivery period, or for any combination of such factors, as it may be specified and determined to be appropriate. Each such tolerance allowance shall be expressed as a percentage, which shall apply against the particular category of prunes for which it is established, and the weight of the prunes of such category for application of that percentage shall be the weight when received by the handler. The result of such application of the percentage shall determine the maximum weight of prunes in the particular category by which the handler's surplus tonnage obligation with respect thereto may be reduced.

(4) Tolerance allowance for increase in the number of prunes per pound. For

## PROPOSED RULE MAKING

any crop year for which a tolerance allowance or tolerance allowances for shrinkage in weight of surplus tonnage is established, the committee, with the approval of the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, shall establish the same respective percentage of tolerance allowance for increase in the weighted average number of prunes per pound for each category of prunes as is established for shrinkage in weight. Such corresponding percentage shall apply against the weighted average number of prunes per pound in the category for which it is established, and such number shall be the weighted average number of such prunes when they were received by the handler. The result of the application of the percentage shall be added to such weighted average number, and the weighted average number of prunes per pound of the surplus tonnage of such category that a handler delivers shall not be greater than the sum of such addition.

(5) *Tolerance allowances for normal and natural deterioration and spoilage.* In the event that on the basis of tests conducted by or for the prune industry, or on the basis of information developed from reliable sources, the committee finds that during the crop year, normal and natural deterioration and spoilage of surplus tonnage prunes over which handlers have no control has occurred, the committee may, with the approval of the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, establish one or more tolerance allowances for such deterioration and spoilage to which handlers who hold surplus tonnage prunes for the account of the committee shall be entitled upon delivery of such prunes to the committee or its assignee. Such a tolerance allowance may be established to apply to all surplus tonnage so held by handlers during the crop year, or a separate tolerance allowance may be established for each grade, size or combination of sizes, holding period, or delivery period, or for any combination

of such factors, as it may be specified and determined to be appropriate. Each such tolerance allowance shall be expressed as a percentage, which shall apply against the particular category of prunes for which it is established, and the weight of the prunes of such category for application of that percentage shall be the weight when received by the handler. The result of such application of the percentage shall determine the maximum weight of surplus prunes in the particular category for which the handler may receive credit as an allowance for normal and natural deterioration and spoilage. The remainder of the prunes, after making any such allowance, must meet the applicable minimum standards for prunes of that category.

Issued at Washington, D. C., this 18th day of October 1951.

[SEAL]

S. R. SMITH,  
Director,  
Fruit and Vegetable Branch.

[F. R. Doc. 51-12708; Filed, Oct. 22, 1951;  
8:51 a. m.]

## NOTICES

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## CALIFORNIA

## CLASSIFICATION ORDER

SEPTEMBER 28, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427, dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing approximately 80 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION  
No. 317

For lease and sale for homesites only:

T. 9 N., R. 3 W., S. B. M.,  
Sec. 23, SE $\frac{1}{4}$ , SE $\frac{1}{4}$ ,  
Sec. 26, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ .

The land is situated in San Bernardino County, California, about 8 miles southwest of the Town of Barstow, California. It can be reached over U. S. Highway 66, which highway traverses a portion of the land. The land is in a desert area where the climate is considered ideal for health and recreational purposes. All community services are available in the nearby Town of Barstow.

2. As to applications regularly filed prior to 9:00 a. m., September 4, 1951, that are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., November 30, 1951.

At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., November 30, 1951, to close of business on February 28, 1952.

(b) Advance period for veterans' simultaneous filings from 9:00 a. m., September 4, 1951, to 10:00 a. m., November 30, 1951.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., February 29, 1952.

(a) Advance period for simultaneous nonpreference filings from 9:00 a. m., September 4, 1951, to 10:00 a. m., February 29, 1952.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres each being approximately 330 by 660 feet, the longer dimension to extend east and west.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of three years at an annual rental of \$5 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of \$50 per acre, application for which may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

10. Tracts will be subject to existing rights-of-way. They will also be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County, or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

J. H. FAVORITE,

*Acting Regional Administrator.*

[F. R. Doc. 51-12676; Filed, Oct. 22, 1951; 8:45 a. m.]

#### CALIFORNIA

SMALL TRACT CLASSIFICATION ORDER NO. 44;  
REVOKED

OCTOBER 3, 1951.

Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427, dated August 16, 1950, California, Small Tract Classification Order No. 44 is hereby revoked to the extent of the following described lands, viz.:

T. 25 S., R. 43 E., M. D. M.  
Sec. 8, NW $\frac{1}{4}$ , W $\frac{1}{2}$  NE $\frac{1}{4}$ .

L. T. HOFFMAN,  
*Regional Administrator.*

[F. R. Doc. 51-12677; Filed, Oct. 22, 1951; 8:45 a. m.]

#### DEPARTMENT OF AGRICULTURE

##### Production and Marketing Administration

[Notice No. 2]

##### ENTRY OF SUGAR INTO CONTINENTAL UNITED STATES FROM CUBA

##### REQUIREMENT OF CERTIFICATION; 1951

Pursuant to § 817.2 (13 F. R. 127, 14 F. R. 1169), notice is hereby given that the 1951 sugar quota for Cuba, amounting to 2,947,175 short tons of sugar, raw value, has been filled to the extent of 80 per centum or more. Accordingly, pursuant to § 817.2, for the remainder of the calendar year 1951 collectors of customs shall not permit the entry into the continental United States from Cuba of any sugar unless and until the certification described in § 817.2 (a) is issued.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153, 13 F. R. 127; 14 F. R. 1169)

Issued this 17th day of October 1951.

[SEAL] LAWRENCE MYERS,  
*Director, Sugar Branch, Production and Marketing Administration.*

[F. R. Doc. 51-12710; Filed, Oct. 22, 1951; 8:52 a. m.]

#### CIVIL AERONAUTICS BOARD

[Docket No. SA-2421]

##### ACCIDENT OCCURRING NEAR MIAMI, FLA.

##### NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N-75415, which occurred near Miami, Florida, on September 14, 1951.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on

Tuesday, October 30, 1951, at 9:00 a. m., in City Commissioners' Room, Coral Gables City Hall, Le Juene Road and Coral Way, Coral Gables, Florida.

Dated at Washington, D. C., October 17, 1951.

[SEAL]

VAN R. O'BRIEN,  
*Presiding Officer.*

[F. R. Doc. 51-12694; Filed, Oct. 22, 1951; 8:50 a. m.]

[Docket No. 4850 et al.]

##### BOHRER AIR FREIGHT CO. ET AL.

##### NOTICE OF POSTPONEMENT OF HEARING

In the matter of the complaint of Bohrer Air Freight Co., and Airport Package Service, Inc., with respect to the proposed change in Rule No. 6.3 on 3rd Revised Page 18-B of Agent Emery F. Johnson's Official Airfreight Rules Tariff No. 1, C. A. B. No. 1, and in the matter of the approval of an agreement between American Airlines, Inc., and certain other carriers, providing for the proposed change in rules which would effect the elimination of advance charges to certain local cartage operators.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding now assigned to be held on October 22, 1951 has been further postponed and will be held on November 19, 1951 at 10:00 a. m., e. s. t., in Room 5842, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

The issues remain as outlined in the original notice.

Dated at Washington, D. C., October 18, 1951.

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,  
*Secretary.*

[F. R. Doc. 51-12695; Filed, Oct. 22, 1951; 8:50 a. m.]

[Docket No. 5105]

##### BRITISH OVERSEAS AIRWAYS CORP.

##### NOTICE OF HEARING

In the matter of the application of British Overseas Airways Corporation for amendment of foreign air carrier permit pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said Act, that a hearing in the above-entitled proceeding is assigned to be held on October 31, 1951, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Without limiting the scope of the issues presented by the application par-

ticular attention will be directed to the following questions:

1. Will it be in the public interest to authorize British Overseas Airways Corporation to engage in foreign air transportation to and from Jamaica, British West Indies, as a coterminous with the Bahamas on that carrier's trans-Atlantic route?

2. Will the requested authorization be consistent with the obligations assumed by the United States in any treaty, convention or agreement that may be in force between the United States and the United Kingdom of Great Britain and Northern Ireland or any other foreign country?

For further details as to the requested amendment and the issues in connection therewith reference is made to the application on file in the Board's Docket Section.

Notice is further given that any person other than a party of record desiring to be heard in this proceeding must file with the Board on or before October 31, 1951, a statement setting forth the pertinent issues of fact or law which he desires to controvert or support, and such person then may appear and participate at the hearing under the Board's procedural regulations.

Dated at Washington, D. C., October 18, 1951.

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,  
*Secretary.*

[F. R. Doc. 51-12696; Filed, Oct. 22, 1951; 8:50 a. m.]

#### DEFENSE PRODUCTION ADMINISTRATION

[D. P. A. Request 8]

##### REQUEST TO PARTICIPATE IN FORMATION AND ACTIVITIES OF AN ARMY ORDNANCE INTEGRATION COMMITTEE ON TRACKS FOR TRACKLAYING TYPE VEHICLES

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request set forth below to participate in the formation and activities of an Army Ordnance Integration Committee on Tracks for Tracklaying Type Vehicles in accordance with the Voluntary Plan, as revised, entitled "Plan and Regulations of Ordnance Corps Governing Integration Committee on Tracks for Tracklaying Type Vehicles," dated August 1, 1951, was approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission and the Administrator of the Defense Production Administration and was transmitted to the companies listed below.

The Voluntary Plan, as revised, also set forth below, has been approved by the Administrator of the Defense Production Administration and found by him to be in the public interest as contributing to the national defense.

*Contents of request.* You are requested to participate in the formation and activities of an Integration Committee on Tracks for Tracklaying Type Vehicles in accordance with the Voluntary Plan, as revised, entitled

## NOTICES

"Plan and Regulations of Ordnance Corps Governing Integration Committee on Tracks for Tracklaying Type Vehicles," dated August 1, 1951, a copy of which is herewith enclosed.

In my opinion, your participation in the activities of this Committee will greatly assist us in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the Voluntary Plan, as revised, and find it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given only upon such acceptance, provided that the activities of the Integration Committee on Tracks for Tracklaying Type Vehicles and your participation therein are within the limits set forth in the Voluntary Plan, as revised.

In the event that you accept this request will you kindly send a copy of your acceptance to the Procurement Division, Production Branch, Office of the Assistant Chief of Staff, G-4, United States Army, Pentagon Building, Washington 25, D. C.

Your cooperation in this matter will be appreciated.

Sincerely,

MANLY FLEISCHMANN,  
Administrator.

LIST OF COMPANIES ACCEPTING REQUEST TO  
PARTICIPATE

Firestone Industrial Products Co., Inc.,  
1200 Freestome Parkway, Akron, Ohio.

B. F. Goodrich Co., 500 South Main Street,  
Akron, Ohio.

Ohio Rubber Co., Willoughby, Ohio.  
Burgess-Norton Manufacturing Co., 737  
Payton Street, Geneva, Ill.

Goodyear Tire & Rubber, 1144 East Market  
Street, Akron, Ohio.

United States Rubber Co., 1230 Avenue of  
the Americas, New York 20, N. Y.

Inland Manufacturing Division, General  
Motors Corp., Dayton, Ohio.

PLAN AND REGULATIONS OF ORDNANCE CORPS  
GOVERNING INTEGRATION COMMITTEE ON  
TRACKS FOR TRACKLAYING TYPE VEHICLES

AUGUST 1, 1951.

This describes the plan of the Ordnance Corps for the formation, organization, functioning and necessity for an Ordnance Integration Committee on Tracks for Tracklaying Vehicles already in service and those now being procured and the operating procedures by which such committee fulfills its purpose.

*1. Need for integration—a. General.* There exists, with respect to the production of Tracks for Tracklaying Vehicles, a need on the part of the Ordnance Corps for the integration of the production efforts of the contractors manufacturing such items. There are, presently under contract with the Ordnance Corps for the production of these major components, eight manufacturers whose names and addresses are listed in paragraph (a) (5), section 6, hereof.

This Committee is formed in the interests of National Defense to integrate facilities engaged in the production of tracks for tracklaying type vehicles now under procurement and tracklaying vehicles now in service so as to: Meet promptly the requirements for this item; alleviate shortage of critical components thereof; and to insure that the supply of tracks is properly phased into the production and issue of new combat vehicles.

Late in the year 1942 during World War II there were over 8,000 vehicles produced for which there was no track available. The formation of a Track Integration Committee at that time resulted in the Ordnance obtaining valuable information and the coordination from this Committee, so that track production was in balance with vehicle requirements about nine months after its inception. In order to avoid a situation such as existed at the onset of World War II, it is, therefore, most urgent at this time that Integration action be made available to the Ordnance Corps at the earliest possible date.

The Committee is composed of all those manufacturers who are under contract with the Ordnance Corps to produce Tracks for Tracklaying Vehicles. Some of those manufacturers may also be subcontractors to prime contractors producing tanks and allied combat vehicles for which integration committees have been heretofore requested. It is necessary, however, that the problems relating to the production of Tracks for Tracklaying Vehicles be handled by a separate and distinct integration committee.

A large majority of the Tracks for Tracklaying Vehicles now being produced are for field service supplies rather than for use on new tanks and allied combat vehicles now under production. Furthermore, there are approximately 40 different types of tracks other than the six types being produced for use on Light Gun Tanks and Medium and Heavy Gun Tanks and their allied combat vehicles. All of those 40 different types of tracks are not now in production, although it is probable that the majority, if not all, of such tracks will be in production eventually. Included in those 40 types, however, are eight different types of tracks now being produced to service those World War II vehicles still in use but not in production and two other types of tracks produced for use on vehicles now in production and for which no integration committee has been requested. Although a great number of World War II vehicles are in use at the present time, the eight different types of tracks now being produced to service those vehicles are not the same types of tracks used on those vehicles during the World War II. Constant engineering changes have been and are being made to improve the combat efficiency of those tracks. Accordingly, it is believed that integration committees composed of prime manufacturers of tanks and allied combat vehicles now under production could not handle properly the problems arising in the production of the many different types of tracks.

The engineering design, development, changes, material requirements, tooling and interchangeability of parts present problems almost as great and extensive as a major vehicle. The Integration Committee would provide the essential information and coordination that is needed in order for the Ordnance Corps to obtain completed tracks in phase with its vehicle production. Without this Committee the Ordnance Corps would have to greatly increase its administrative personnel in order to obtain the information so essential to the control of the production of these tracks.

*b. Specific advantages.* An Ordnance Integration Committee on tracks for tracklaying vehicles will have the following direct advantages to the government:

(1) *Faster and better production.* To expedite production, letter contracts have been awarded to manufacturers in this field and technical discussions have been held with them by the Commanding General of the Tank-Automotive Center. The production of tracks for tracklaying vehicles is extremely complex, there being many major components and assemblies. There will be a great many subcontractors supplying approximately 48 items as component parts to the major producers of tracks. Integrating committee action at prime contractor level

will expedite production by reason of there being complete interchange of techniques and by other actions which can be jointly worked out at the integrating committee level.

(2) *Decreased costs.* While cost figures vary, it is estimated that this Integrating Committee will save the government substantial sums. With the aid of the Committee, improved production methods in one company will be introduced in other companies. Large saving can be effected by avoiding unnecessary duplication of tooling-up. The Ordnance Corps, through the medium of this Committee, can, as explained in paragraph 4, control, divert, and direct critical components to prime contractors who have the greatest demand for them. Through this medium, each of the committee members would have greater assurance of being supplied with parts and thereby be free to concentrate on engineering good assembly lines.

(3) *Future changes.* As experience in World War II has shown, constant engineering changes are made in tracks for tracklaying vehicles. These changes are vital to the improved combat efficiency of the vehicle as a whole. The Integrating Committee is the ideal agency to introduce and effect these changes with the greatest rapidity and efficiency. The Detroit Arsenal was chosen as a member of this Committee since it is the research and development center of the Ordnance Corps for tracklaying type vehicles and most of its components.

Integration of an Ordnance contractor industry balance production, with the result that the desired production is obtained with a minimum facility requirement. The skill, knowledge and "know-how" of both the large and small manufacturer are made available without obligation of any kind to each other and to the newcomer, bringing him into full production in the shortest possible time. There is made available to the Ordnance Corps, on short notice, complete information as to the productive capacity of the industry, its inventory of parts and material, and it is made possible to effect rapid changes in production rates to meet the requirements of the using service.

*2. Reasons for the selection of the Committee.* a. The members of this Committee, as listed in paragraph a (5) of section 5 with the exception of Detroit Arsenal, were chosen for the following reasons:

(1) They manufactured tracks for tracklaying vehicles during World War II and demonstrated that they had the management, engineering, and administrative background to produce this item.

(2) They have participated in development, engineering, and experimental work since World War II at no cost to the Government.

(3) The Ordnance Corps after World War II obtained claimant capacity with these facilities in accordance with procedure established by Munitions Board in its Production Allocation Manual 90-1.

(4) Both Firestone Industrial Products and Goodyear Tire and Rubber Co. were peace time producers of tracks for the Ordnance Corps.

(5) Burgess-Norton Mfg. Co. was also chosen to be a member of this Committee because it was a producer of major components for tracks during World War II and also a supplier of these components during peace time.

b. The Ordnance Corps has determined that membership on the Committee should be limited to those contractors actually under contract for the production of track for tracklaying vehicles and that committee activity should be restricted to the problems relating to the production of such items. This limitation is necessary in order that the committee will not become involved in problems extraneous to the purposes for

which it is organized. As other contractors are brought into the production program, they will become members in accordance with section 6a (5) hereof.

**3. Function of Committee.** The Committee functions within the scope of Section 5 hereof, and such function is limited to the particular problems which arise as to the production of Tracks for Tracklaying Vehicles. The Ordnance Corps, independently, evaluates the information available from committee activity and makes any determination of appropriate action to be taken.

In enacting section 708 of the Defense Production Act of 1950 the Congress recognized the desirability of voluntary agreements and programs in industrial and other fields in the furtherance of production for national defense. It also recognized that such agreements and programs, unless their purposes and objectives are adhered to and their activities are adequately limited and controlled, may lend themselves to use as devices to violate antitrust and Federal Trade Commission statutes. The Ordnance Corps, through strict control of its Integration Committee activities, will prohibit any unauthorized and unwarranted use of the committee and will restrict the activities of the committee to the objectives set forth herein.

The Committee shall in no way be concerned with procurement policy and shall in no way affect or influence Ordnance Corps in the placement of contracts, or in the price, trade, marketing, or any other of the incidents of procurement.

Procurement has been made and shall be made in accordance with the Armed Services Procurement Act and the regulations, directives, and policies of the Department of Defense and the Department of the Army implementing such act.

**4. Utilization of Committee by the Ordnance Corps.** The Ordnance Corps, through the medium of Committee Activity, as delineated in section 5 hereof, will be able to accomplish the following objectives:

a. Make available to all the prime contractors the benefit of the production experience and techniques of each contractor member in the group without royalty or charge, and so to integrate the facilities of the group as to attain maximum production in the shortest possible time.

b. Control, divert, and direct critical components to prime contractors who have the greatest demand for them. One or more components may be in great demand at a given time by one prime contractor and at the same time another contractor may have an inventory of such components in excess of its immediate demands, yet have its production retarded for lack of some other critical component not immediately required by others.

c. Introduce and effect changes in material and design with a view to standardization of material, and to effect uniformity in bills of material, drawings, specifications and descriptions of engineering changes so as to maintain full interchangeability of such for all Ordnance requirements and assure the interchangeability of parts.

d. Provide for the interchange of material, skills, tools, training aids, machines, and other necessities of production.

e. By comparison of productive data to the requirements of the Ordnance Corps, establish production schedules to meet such requirements.

**5. Specific activities of the Committee—**  
a. **Furnishing of data.** The contractor-members furnish the Chairman or Deputy Chairman with a list of facilities; the rate of production, actual or projected; an inventory of finished parts; an inventory of material on hand, on order, and promised delivery. The Ordnance Officer attached to the Committee compiles the production data. By comparing this data to the requirements

of the Ordnance Corps, a production schedule can be made by the Ordnance Corps. On the basis of this comparison, the Ordnance Corps will be enabled to determine whether the production capacity, material, and facilities requirements for present and future commitments are met.

**b. Allotment of production schedules.** After correlation of the data, by the Ordnance representative, the Committee may recommend to the Ordnance Corps the allotment of definitive production schedules necessary to meet requirements.

**c. Changes in material and design including standardization of material.** The Committee may consider and recommend desired changes in material and design including standardization of material. The Branch of the Ordnance Corps having control of the item or items is charged with the maintaining, through its engineering personnel, of bills of material, drawings, and specifications, description of engineering changes, etc. Where a committee member desires a change in one of the above engineering activities, the Ordnance Corps may decide that the change will be adopted by all members in order that the Committee maintain full interchangeability for the Ordnance requirements.

The Committee may conduct tests, chemical, metallurgical or mechanical through usual industry or Ordnance channels to prove the adequacy of the change. The Committee may then submit, through the Committee Ordnance Officer, the recommendation for the change, together with full information of the necessity for the change, and with all available test data, direct to Ordnance engineering personnel, for approval or rejection. The Ordnance Officer attached to the Committee is charged by the Ordnance Corps to see that all members keep their drawings, etc., exactly alike, and that full interchangeability is always maintained for all Ordnance requirements.

**d. Interchange of parts, material, skills, tools, training aids, machines, etc.** The Ordnance Officer attached to the Committee will maintain such production, performance and control records and material inventories as are necessary. Based on these records the Committee will be in a position to advise the Ordnance Corps of the most economical method of adjusting production to meet requirements and loading schedules.

The Committee may consider and recommend to the Ordnance Corps, through the Ordnance Officer attached to the Committee, the interchange of parts, material, skills, tools, training aids, machines, etc. The transfer of government-owned machines or tools or other government property shall be made on memorandum receipt and shall be cleared through the Ordnance District Office or the Contracting Officer, whichever is responsible under the contract as a representative of the Ordnance Corps. The interchange between industry members of property owned by them may be on an outright sales basis or on an exchange basis.

**e. Action to achieve uniformity of parts, drawings, bills of material.** Uniformity of parts and drawings among the contractors manufacturing any given end item is prerequisite to the interchange of material between Committee members. The attainment of such uniformity where it does not already exist among the members of an Integration Committee is therefore an important function of every Committee.

**6. Membership and meeting of Committee—**  
**a. Membership.** (1) The Chairman is Lt. Col. O. H. Taggart, Ordnance Corps, of the Ordnance Tank-Automotive Center. (This is the Ordnance agency responsible for procurement and production of Tracklaying Vehicles.)

(2) The Deputy Chairman is Major F. E. Abrino, Ordnance Corps, Ordnance Tank-Automotive Center.

(3) The Assistant to the Chairman is Mr. C. M. Burgess, President, Burgess-Norton Mfg. Company.

(4) One or more Ordnance officers experienced in military procedures, tank and allied combat vehicle production and engineering shall be appointed by the Chairman, to work with the Committee.

(5) Contractor-membership shall be as follows:

(a) Each prime contractor producing Tracks for Tracklaying Vehicles under Ordnance contracts shall be a member of the Committee. The present contractor-members are:

Detroit Tank Arsenal, Center Line, Mich.  
Firestone Industrial Products Co., Inc.,  
1200 Freestone Parkway, Akron, Ohio.

E. F. Goodrich Co., 500 South Main Street,  
Akron, Ohio.

Ohio Rubber Co., Willoughby, Ohio.  
Burgess-Norton Manufacturing Co., 737  
Payton Street, Geneva, Ill.

Goodyear Tire & Rubber, 1144 East Market Street, Akron, Ohio.

United States Rubber Co., 1230 Avenue of the Americas, New York 20, N. Y.

Inland Manufacturing Division, GMC,

Dayton, Ohio.

(b) Each new prime contractor under Ordnance Corps contract for the production of Track for Tracklaying Vehicles shall become a member of the Committee. The name and address of each such contractor shall be submitted through channels, to the Administrator, Defense Production Administration.

(c) Termination or cancellation of a contract with the Ordnance Corps for the production of Tracks for Tracklaying Vehicles shall terminate the membership of such contractor-member and the Administrator, Defense Production Administration shall be notified of such termination for appropriate action.

(6) One policy level official and one senior production official from each of the prime contractors shall represent the members of the Committee. Specially qualified technical personnel of the contractor-members may attend Committee sessions as required to furnish technical assistance.

(7) The Secretary will be an Ordnance Officer designated by the Chairman or Deputy Chairman.

(8) Qualified consultants may be appointed to the Committee by the Ordnance Corps acting through the Chairman.

(9) Government employees shall render the necessary clerical assistance to the Committee.

**b. Meetings.** (1) The following requirements for the conduct of meetings shall be observed:

(a) The initiation and formulation of agenda shall be performed by the government;

(b) The meetings to be held shall be at the call of and under the chairmanship of government representatives;

(c) Full and complete minutes shall be kept;

(d) Determinations of action to be taken shall be made solely by government representatives;

(2) Committee meetings shall be called by the Chairman, Deputy Chairman, or the Ordnance Officer attached to the Committee. The agenda shall be prepared by the Chairman or Deputy Chairman. Invitations to attend will include a copy of the agenda of the meeting in order to facilitate proper representation at the meeting.

(3) The Chairman, Deputy Chairman, or Ordnance Officer attached to the Committee shall preside at all meetings, which shall be held at offices assigned to or under the control of the Ordnance Corps. The Secretary of the Committee shall maintain and keep minutes of committee meetings.

## NOTICES

## FEDERAL POWER COMMISSION

[Docket No. G-1618]

NORTHERN NATURAL GAS CO.

## NOTICE OF CONTINUANCE OF HEARING

OCTOBER 16, 1951.

Upon consideration of the motion filed October 15, 1951, by Commission Staff Counsel, for postponement and continuance of the hearing now scheduled for October 22, 1951, in the above-designated matter;

Notice is hereby given that the hearing in the above-designated matter be and it is hereby continued to October 30, 1951, at 10:00 a. m., in the Commission's Hearing Room, at 1800 Pennsylvania Avenue NW., Washington, D. C.

[SEAL]

J. H. GUTRIDE,  
Acting Secretary.[F. R. Doc. 51-12678; Filed, Oct. 22, 1951;  
8:46 a. m.]

applicant), a Delaware corporation of El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to Section 7 (c) of the Natural Gas Act, authorizing the construction and operation of a metering station on Applicant's San Juan line at Fruitland, New Mexico. Applicant proposes by this facility to sell and deliver natural gas to Southern Union Gas Company for resale and distribution in the towns of Fruitland and Kirtland, New Mexico.

Through the proposed facility, Applicant expects to deliver about 18,000 Mcf per year by the fifth year of operation, with a daily maximum of about 300 Mcf of natural gas. The cost of this facility is estimated to be \$6,000 which will be paid from general funds of Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 5th day of November 1951. The application is on file with the Commission for public inspection.

[SEAL]

J. H. GUTRIDE,  
Acting Secretary.[F. R. Doc. 51-12680; Filed, Oct. 22, 1951;  
8:46 a. m.]

Dated: October 17, 1951.

MANLY FLEISCHMANN,  
Administrator.[F. R. Doc. 51-12690; Filed, Oct. 22, 1951;  
8:48 a. m.]EXECUTIVE OFFICE OF THE  
PRESIDENT

## Office of Defense Mobilization

[CDHA No. 4]

FINDING AND DETERMINATION OF CRITICAL  
DEFENSE HOUSING AREAS UNDER THE DE-  
FENSE HOUSING AND COMMUNITY FACIL-  
TIES AND SERVICES ACT OF 1951

OCTOBER 18, 1951.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Camp Pickett, Va.  
Camp Polk, La.  
Camp Breckenridge, Ky.  
Fort Dix, N. J.  
Camp Rucker, Ala.  
Topeka, Kans.  
Benton, Ark., Area.  
Cocoa-Melbourne, Fla., Area.  
Babbitt, Minn., Area.  
Lorain, Ohio, Area.

C. E. WILSON,  
Director,  
Office of Defense Mobilization.[F. R. Doc. 51-12735; Filed, Oct. 22, 1951;  
8:45 a. m.]

[Docket No. G-1800]

UNITED FUEL GAS CO.

## NOTICE OF APPLICATION

OCTOBER 16, 1951.

Take notice that United Fuel Gas Company (Applicant), a West Virginia corporation having its principal place of business in Charleston, West Virginia, filed on October 2, 1951, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing exchanges of natural gas between Applicant and Transcontinental Gas Pipe Line Corporation pursuant to an agreement between Applicant and Transcontinental, effective as of May 17, 1951, whereby Transcontinental will deliver to Applicant gas under its Rate Schedule EX-1. Gas will also be delivered by Transcontinental to Applicant pursuant to an arrangement under Transcontinental's Rate Schedule S-2. The facilities of Applicant's affiliate, Atlantic Seaboard Corporation, will be utilized for delivering gas to and receiving from Transcontinental.

The application recites that "No new facilities will be constructed by Applicant."

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 5th day of November 1951. The application is on file with the Commission for public inspection.

[SEAL]

J. H. GUTRIDE,  
Acting Secretary.[F. R. Doc. 51-12679; Filed, Oct. 22, 1951;  
8:46 a. m.]

[Docket No. G-1805]

EL PASO NATURAL GAS CO.

## NOTICE OF APPLICATION

OCTOBER 16, 1951.

Take notice that on October 5, 1951, El Paso Natural Gas Company (Appli-

INTERSTATE COMMERCE  
COMMISSION

[4th Sec. Application 26487]

PETROLEUM PRODUCTS FROM AND TO  
SOUTHERN TERRITORY

## APPLICATION FOR RELIEF

OCTOBER 18, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. G. Kerr, Agent, for carriers respondents in I. & S. Docket No. 5710, Petroleum in Southern Territory—Rail, 280 I. C. C. 755.

Commodities involved: Gasoline, fuel oil, and other petroleum products, in tank-car loads.

From and to points in southern territory.

Grounds for relief: Competition with motor carriers and compliance with decision in I. & S. Docket No. 5710.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1253, Supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before

the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 51-12689; Filed, Oct. 22, 1951;  
8:48 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1349]

KOPPERS CO., INC.

### NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPOR- TUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of October A. D. 1951.

The Philadelphia-Baltimore Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, \$10 Par Value, of Koppers Company, Inc., a security listed and registered on the New York Stock Exchange and on the Midwest Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to November 9, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBoIS,  
Secretary.

[F. R. Doc. 51-12683; Filed, Oct. 22, 1951;  
8:47 a. m.]

[File No. 7-1350]

BOWMAN GUM, INC.

### NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of October A. D. 1951.

The Philadelphia-Baltimore Stock Exchange pursuant to Section 12 (f) (2)

No. 206—5

of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Capital Stock, \$1 Par Value, of Bowman Gum, Incorporated, a security listed and registered on the New York Curb Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to November 9, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBoIS,  
Secretary.

[F. R. Doc. 51-12682; Filed, Oct. 22, 1951;  
8:47 a. m.]

[File No. 70-2703]

NARRAGANSETT ELECTRIC Co.

### ORDER PERMITTING ISSUANCE OF PROMISSORY NOTES

OCTOBER 17, 1951.

The Narragansett Electric Company ("Narragansett"), a subsidiary of New England Electric System ("NEES"), a registered holding company, having filed a declaration, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act"), with respect to the following proposed transactions:

Narragansett proposes to issue, from time to time but not later than December 31, 1951, unsecured promissory notes in an aggregate amount not in excess of \$3,700,000. Each of said notes will mature not later than six months after its issue date and will bear interest at the prime interest rate existing on said issue date. The declaration states that said prime interest rate at the time of filing was 2½ percent and that Narragansett proposes that in the event the prime interest rate of any of such notes should exceed 2¾ percent per annum, it will file an amendment setting forth the name of the bank or banks, the terms of the note or notes and the rate of interest at least five days prior to the execution and delivery of said note or notes.

Narragansett requests that unless this Commission shall have notified it to the contrary within said five-day period, the amendment shall become effective at the end of such period.

The record indicates that Narragansett had outstanding at September 30, 1951, \$5,800,000 principal amount of 2½ percent promissory notes. In addition to \$575,000 taken from treasury funds, \$1,725,000 of the proceeds from the notes proposed to be issued will be used to retire outstanding notes which mature prior to December 31, 1951, leaving outstanding a maximum of \$3,500,000 principal amount of the notes outstanding on September 30, 1951. The remainder of the proceeds from the proposed notes will be used to pay for construction work and to reimburse the treasury for prior construction expenditures and the payment of indebtedness originally incurred for construction. According to the declaration, the amount of all of the unsecured promissory notes of Narragansett to be outstanding at any one time prior to December 31, 1951, will not exceed \$7,200,000.

The declaration states that Narragansett expects that its note indebtedness will be financed permanently to the extent of \$6,000,000 through the issuance of common stock to NEES in the latter part of 1951 or early in 1952 and that it has been advised that the parent company expects to have the necessary funds to invest in such common stock from the proceeds of the sale of its Massachusetts' gas properties. It is further stated that it is expected that after such permanent financing, there will be \$1,200,000 principal amount of notes outstanding which will be financed permanently in 1952 through a bond issue and that the proceeds from this bond issue will also enable Narragansett to pay short-term bank borrowings anticipated to be incurred in 1952.

The total expenses in connection with the proposed issuance of notes are estimated by Narragansett not to exceed \$750 and, according to the company, no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed issuance of notes.

Narragansett requests that the Commission's order herein become effective forthwith upon issuance.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the Act and the Rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBoIS,  
Secretary

[F. R. Doc. 51-12684; Filed, Oct. 22, 1951;  
8:47 a. m.]

## NOTICES

[File No. 70-2706]

MYSTIC POWER CO.

## ORDER PERMITTING ISSUANCE OF PROMISSORY NOTES

OCTOBER 17, 1951.

The Mystic Power Company ("Mystic"), a subsidiary of New England Electric System ("NEES"), a registered holding company, having filed a declaration, and amendments thereto, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act"), with respect to the following proposed transactions:

Mystic proposes to borrow \$50,000 on October 22, 1951, and to issue unsecured promissory notes in evidence thereof. The proposed borrowing will be made in the indicated amounts from the following banks:

Industrial Trust Co.-Westerly Branch, Westerly, R. I.	\$30,000
The Phenix National Bank of Providence, Providence, R. I.	20,000

The proposed notes will mature six months after the respective dates thereof and will bear interest at the then prime rate of interest, which, the declaration states, was 2½ percent at the time of the filing thereof. If the prime interest rate should exceed 2¾ percent at the time of said borrowings, Mystic will file an amendment to its declaration setting forth the name of the bank or banks, and the terms of the note or notes, including the interest rate, at least five days prior to the execution and delivery thereof, and asks that such amendment become effective without further order of the Commission at the end of the five day period unless the Commission shall have notified the Company to the contrary within said period.

The record indicates that Mystic presently has outstanding \$325,000 principal amount of unsecured short-term notes. The proceeds to be derived from the proposed borrowings are to be used to pay \$50,000 face amount of notes due October 22, 1951, so that upon the issuance of the proposed notes, Mystic's total indebtedness for borrowings will remain at \$325,000.

The declaration states that Mystic expects that the proposed note indebtedness will be financed through the issuance of promissory notes for a term of not less than one year or more than three years.

The declaration further states that there are no fees, commissions or other remuneration involved in connection with the proposed transactions except that incidental services will be performed by New England Power Service Company, an affiliated service company, at the actual cost thereof. Such cost is estimated not to exceed \$500.

It is represented that Mystic is subject to the jurisdiction of the Connecticut Public Utilities Commission and, according to counsel for the company, has complied with the requirements of that Commission with respect to the proposed transactions.

It is requested that the Commission's order herein become effective upon its issuance.

Due notice having been given of the filing of the declaration, and a hearing

not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL]

ORVAL L. DUBoIS,  
Secretary.[F. R. Doc. 51-12681; Filed, Oct. 22, 1951;  
8:46 a. m.]

## ECONOMIC STABILIZATION AGENCY

## Office of Price Stabilization

[Region II, Redelegation of Authority 5]

## DIRECTORS OF DISTRICT OFFICES, REGION II

## REDELEGATION OF AUTHORITY TO PROCESS INITIAL REPORTS FILED BY CERTAIN RESTAURANT OPERATORS UNDER CPR 11

## Correction

In F. R. Doc. 51-12572, appearing at page 10677 of the issue for Thursday, October 18, 1951, the bracket head should read: "[Region III, Redelegation of Authority 5]".

[Ceiling Price Regulation 1, Section 43,  
Appendix to Special Order 223]

## UNITED STATES BEDDING CO.

## MANUFACTURER'S SELLING PRICES AND CEILING PRICES AT RETAIL

The following appendix to Special Order 223 under section 43, Ceiling Price Regulation 7, effective August 4, 1951, issued to the United States Bedding Company, Wabash and Vandalia Street, St. Paul 4, Minn., covering mattresses and box springs having the brand names "King Koil" and "Baby King Koil" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

*Appendix*. The manufacturer's selling prices are subject to the following terms: 2 percent 10 days, net 30.

Manufacturer's selling price (per unit):	Ceiling prices at retail (per unit)
\$28.00	\$49.50
\$30.50	54.50
\$33.00	59.50
\$35.50	64.50
\$37.50	69.50
\$42.00	79.50

MICHAEL V. DiSALLE,  
Director of Price Stabilization.

OCTOBER 17, 1951.

[F. R. Doc. 51-12642; Filed, Oct. 17, 1951;  
4:20 p. m.][Ceiling Price Regulation 7, Section 43,  
Appendix to Special Order 224]

## SHANNON HOSIERY MILLS, INC.

## MANUFACTURER'S SELLING PRICES AND CEILING PRICES AT RETAIL

The following appendix to Special Order 224 under section 43, Ceiling Price Regulation 7, effective August 4, 1951, issued to Shannon Hosiery Mills, Inc., 1338 Talbotton Road, Columbus, Ga., covering women's hose having the brand name "Shaleen" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

*Appendix*. The manufacturer's selling prices are subject to the following terms: 30 days net.

Manufacturer's selling price (per dozen):	Ceiling prices at retail (per unit)
\$10.75	\$1.50
\$11.75	1.65
\$13.50	1.95
\$15.50	2.25

MICHAEL V. DiSALLE,  
Director of Price Stabilization.

OCTOBER 17, 1951.

[F. R. Doc. 51-12643; Filed, Oct. 17, 1951;  
4:20 p. m.][Ceiling Price Regulation 7, Section 43,  
Appendix to Special Order 253]

## SERTA OF CHICAGO, DIVISION OF SCHULTZ &amp; HIRSCH CO.

## MANUFACTURER'S SELLING PRICES AND CEILING PRICES AT RETAIL

The following appendix to Special Order 223 under section 43, Ceiling Price Regulation 7, effective August 4, 1951, issued to Serta of Chicago, Division of Schultz & Hirsch Co., 1300 West Fulton Street, Chicago 7, Illinois, covering mattresses and box springs having the brand name(s) "Perfect Sleeper Imperial", "Theralator", "Serta-Pedic", "Perfect Sleeper Luxury", "Sertaflex", "Tiny Perfect Sleeper", "Sertarest", "Sertarest Deluxe", "Collix", "Perfect Sleeper", "Perfect Sleeper Deluxe", "Perfect Sleeper Peerless", "Perfect Sleeper Orthopedic", "Perfect Sleeper Supreme", "Sertafoam", lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

*Appendix*. The manufacturer's selling prices are subject to the following terms: 2 percent 10 days, net 30, F. O. B. Chicago, Ill.

Manufacturer's selling price (per unit):	Ceiling prices at retail (per unit)
\$9.75	\$17.50
\$21.00	39.50
\$25.75	49.50
\$29.75	59.50
\$32.50	59.50
\$36.75 through \$37.75	69.50
\$40.00 "	79.50
\$46.75	89.50
\$86.75 set	149.50 set
\$99.50	179.50

MICHAEL V. DiSALLE,  
Director of Price Stabilization.

OCTOBER 17, 1951.

[F. R. Doc. 51-12644; Filed, Oct. 17, 1951;  
4:20 p. m.]

[Ceiling Price Regulation 7, Section 43  
Appendix to Special Order 265]

## HOLLYWOOD MAXWELL CO.

MANUFACTURER'S SELLING PRICES AND  
CEILING PRICES AT RETAIL

The following appendix to Special Order 265 under section 43, Ceiling Price Regulation 7, effective August 7, 1951, is issued to Hollywood Maxwell Company, 6773 Hollywood Boulevard, Hollywood 28, California, covering brassieres, garter belts, bust pads having the brand names "Whirlpool" and "Nu-Vu" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

*Appendix.* The manufacturer's selling prices are subject to the following terms: 8/10 E. O. M.

Manufacturer's selling price (per dozen):	Ceiling prices at retail (per unit)
\$10.50	\$1.50
\$16.50	2.25
\$18.00	2.50
\$21.00	3.00
\$24.00	3.50
\$27.00 through \$30.00	3.95
\$33.00 through \$36.00	5.00
\$39.00 through \$42.00	5.95
\$57.00	8.95

MICHAEL V. DiSALLE,  
Director of Price Stabilization.

OCTOBER 17, 1951.

[F. R. Doc. 51-12645; Filed, Oct. 17, 1951;  
4:20 p. m.]

[Ceiling Price Regulation 7, Section 43,  
Appendix to Special Order 298]

## PATENT WATCH CO., INC.

MANUFACTURER'S SELLING PRICES AND  
CEILING PRICES AT RETAIL

The following appendix to Special Order 298 under section 43, Ceiling Price Regulation 7, effective August 8, 1951, is issued to Patent Watch Co., Inc., 31 West 47th Street, New York 19, New York, covering boys' and girls' wrist watches having the brand name "Howdy Doody" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

*Appendix.*

(Column 1)	(Column 2)	Retailer's ceiling price for articles or other description: Listed in Column 1
Item—style or lot number		
Boy's Howdy Doody Watch	\$6.95	
Girl's Howdy Doody Watch	7.95	

MICHAEL V. DiSALLE,  
Director of Price Stabilization.

OCTOBER 17, 1951.

[F. R. Doc. 51-12647; Filed, Oct. 17, 1951;  
4:21 p. m.]

[Ceiling Price Regulation 7, Section 43,  
Appendix to Special Order 304]

## KORELL CO.

MANUFACTURER'S SELLING PRICES AND  
CEILING PRICES AT RETAIL

The following appendix to Special Order 304 under section 43, Ceiling Price Regulation 7, effective August 8, 1951,

issued to Korell Company, Mechanicsville, New York, covering women's and misses' plus size dresses having the brand name "Korell" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

*Appendix.* The manufacturer's selling prices are subject to the following terms: 8 percent 10 days, E. O. M.

Manufacturer's selling price (per unit):	Ceiling prices at retail (per unit)
\$5.75	\$8.95
\$6.75	10.95
\$7.75	12.95
\$8.75	14.95
\$10.75 <sup>1</sup>	17.95
\$11.75 <sup>1</sup>	19.95

<sup>1</sup> Additional items.

MICHAEL V. DiSALLE,  
Director of Price Stabilization.

OCTOBER 17, 1951.

[F. R. Doc. 51-12648; Filed, Oct. 17, 1951;  
4:21 p. m.]

[Ceiling Price Regulation 7, Section 43,  
Appendix to Special Order 347]

## SEALY MATTRESS CO.

MANUFACTURER'S SELLING PRICES AND  
CEILING PRICES AT RETAIL

The following appendix to Special Order 268 under section 43, Ceiling Price Regulation 7, effective August 7, 1951, is issued to Sealy Mattress Company, 301-325 Southwest 8th Street, Des Moines 8, Iowa, covering mattresses and box springs having the brand names "Sealy Firm-O-Rest Orthopedic", "Sealy Junior Posturepedic", "Sealy Sunspun", "Sealy Sealy Rest", "Sealy Sleep Joy", "Sealy Natural Rest", "Sealy Enchanted Nights", "Sealy Good Homekeeper", "Sealy Dreamer", "Sealy Sleep Charm", "Sealy Foamspun" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

*Appendix.* The manufacturer's selling prices are subject to the following terms: 2 percent, 30 Days.

Manufacturer's selling price (per unit):	Ceiling prices at retail (per unit)
\$24.90	\$39.50
\$26.90	44.50
\$29.90	49.50
\$32.50 through \$35.00	59.50
\$37.50 through \$39.00	69.50
\$41.00 through \$42.00	79.50
\$86.75	169.50

MICHAEL V. DiSALLE,  
Director of Price Stabilization.

OCTOBER 17, 1951.

[F. R. Doc. 51-12646; Filed, Oct. 17, 1951;  
4:21 p. m.]

[Ceiling Price Regulation 7, Section 43,  
Appendix to Special Order 347]

## GARDNER CORP.

MANUFACTURER'S SELLING PRICES AND  
CEILING PRICES AT RETAIL

The following appendix to Special Order 347 under section 43, Ceiling Price Regulation 7, effective August 10, 1951,

issued to The Gardner Corporation, 350 Fifth Avenue, New York 1, New York, covering snow suits having the brand names "Nylon Snowsuit by Gardner", "Nyloquilt by Gardner" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

*Appendix.* The manufacturer's selling prices are subject to the following terms: 3 percent 10 days, E. O. M. and 8 percent 10 days, E. O. M.

Manufacturer's selling price (per unit):	Ceiling prices at retail (per unit)
\$12.00 through \$12.50	\$19.95
\$13.50	22.95
\$16.75	27.95

MICHAEL V. DiSALLE,  
Director of Price Stabilization.

OCTOBER 17, 1951.

[F. R. Doc. 51-12649; Filed, Oct. 17, 1951;  
4:21 p. m.]

[Ceiling Price Regulation 7, Section 43,  
Appendix to Special Order 395]

## ROSANNA KNITTED DRESS CORP.

MANUFACTURER'S SELLING PRICES AND  
CEILING PRICES AT RETAIL

The following appendix to Special Order 395 under section 43, Ceiling Price Regulation 7, effective August 11, 1951, is issued to Rosanna Knitted Dress Corp., 1410 Broadway, New York, New York, covering two piece knitted suit having the brand name "Rosanna" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

*Appendix.* The manufacturer's selling prices are subject to the following terms: 8 percent 10 days, E. O. M.

Manufacturer's selling price (per unit):	Ceiling prices at retail (per unit)
\$15.75	\$25.00
\$17.75	29.95
\$19.75 through \$21.75	35.00
\$22.75	39.95

MICHAEL V. DiSALLE,  
Director of Price Stabilization.

OCTOBER 17, 1951.

[F. R. Doc. 51-12650; Filed, Oct. 17, 1951;  
4:21 p. m.]

[Ceiling Price Regulation 7, Section 43,  
Special Order 225, Amdt. 1]

## FORSTMANN WOOLEN CO.

## CEILING PRICES AT RETAIL

*Statement of considerations.* This amendment to Special Order 225, issued under section 43 of Ceiling Price Regulation 7, to Forstmann Woolen Co., extends the date by which the applicant was required to mark or tag its branded articles. The extension is granted on applicant's demonstration of its inability to preticket in the manner set forth in the special order by the date specified.

*Amendatory provisions.* Special Order 225, under Ceiling Price Regulation 7, section 43, is amended in the following respects:

## NOTICES

1. In paragraph 3, substitute for the date, "October 2, 1951," the date, "December 31, 1951."

2. In paragraph 3, substitute for the date "November 2, 1951," wherever it appears, the date, "January 30, 1952."

*Effective date.* This amendment shall become effective October 17, 1951.

MICHAEL V. DiSALLE,  
Director of Price Stabilization.

OCTOBER 17, 1951.

[F. R. Doc. 51-12651; Filed, Oct. 17, 1951;  
4:22 p. m.]

[Ceiling Price Regulation 7, Section 43,  
Special Order 325, Amdt. 1]

WEIL OF CALIFORNIA, INC.

## CEILING PRICES AT RETAIL

*Statement of considerations.* The accompanying amendment to Special Order 325 under section 43 of Ceiling Price Regulation 7 modifies those provisions relating to preticketing usually required by orders of this type. This amendment, designed to meet the particular requirements of the dinnerware industry, accomplishes the objective of notifying consumers of the uniform prices fixed under the order.

*Amendatory provisions.* 1. Delete paragraph 3 of the special order and substitute therefor the following:

3. On and after December 17, 1951, Weil of California, Inc. must furnish to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered by paragraph 1 of this special order, with a sign 8 inches wide and 10 inches high, a price book, and a supply of tags and stickers. The sign must contain the following legend:

The retail ceiling prices for Weil of California, Inc. dinnerware have been approved by OPS and are shown in a price book we have available for your inspection.

The price book must contain an accurate description of each article covered by paragraph 1 of this special order and the retail ceiling price fixed for each article. The front cover of the price book must contain the following legend:

The retail ceiling prices in this Weil of California, Inc. price book have been approved by OPS under section 43, CPR 7.

The tags and stickers must be in the following form:

Weil of California, Inc.  
OPS—Sec. 43—CPR 7  
Price \$-----

Prior to January 16, 1952 unless the retailer has received the sign described above and has it displayed so that it may be easily seen, and a copy of the price book described above available for immediate inspection, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order. On and after January 16, 1952 no retailer may offer or sell any article covered by this order unless he

has the sign described above displayed so that it may be easily seen and a copy of the price book described above available for immediate inspection. In addition, the retailer must affix to each article covered by the order and which is offered for sale on open display (except in show windows or decorative displays) a tag or sticker described above. The tag or sticker must contain the retail ceiling price established by this special order for the article to which it is affixed.

Upon issuance of any amendment to this special order, which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must, within 30 days after the effective date of the amendment, as to each such article, send an insertion stating the required addition or change for the price book described above. After 60 days from the effective date of the amendment, no retailer may offer or sell the article, unless he has received the insertion described above and inserted it in the price book. Prior to the expiration of the 60-day period, unless the retailer has received and placed the insertion in the price book, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

*Effective date.* This amendment shall become effective October 17, 1951.

MICHAEL V. DiSALLE,  
Director of Price Stabilization.

OCTOBER 17, 1951.

[F. R. Doc. 51-12652; Filed, Oct. 17, 1951;  
4:22 p. m.]

[Ceiling Price Regulation 7, Section 43,  
Special Order 453, Amdt. 1]

KNAPE AND VOGT MFG. CO.

## CEILING PRICES AT RETAIL

*Statement of Considerations.* This amendment to Special Order 453, issued under section 43 of Ceiling Price Regulation 7, to Knape and Vogt Manufacturing Company, extends the date by which the applicant was required to mark, tag or ticket the articles covered by the special order. The extension is granted on applicant's demonstration of inability to preticket by the date specified in the special order.

*Amendatory Provisions.* 1. In paragraph 5, delete, "After 60 days from the effective date of this order," and substitute therefor, "After January 16, 1952."

2. In paragraph 5, in the last sentence delete, "60 days" and substitute therefor, "90 days."

3. paragraph 9, delete, "within 60 days after the effective date of this order," and substitute therefor, "after December 17, 1951."

*Effective date.* This amendment shall become effective October 17, 1951.

MICHAEL V. DiSALLE,  
Director of Price Stabilization.

OCTOBER 17, 1951.

[F. R. Doc. 51-12653; Filed, Oct. 17, 1951;  
4:23 p. m.]

[Ceiling Price Regulation 7, Section 43,  
Special Order 476, Amdt. 1]

NESTER JOHNSON MFG. CO.

## CEILING PRICES AT RETAIL

*Statement of considerations.* This amendment to Special Order 476 issued under section 43 of Ceiling Price Regulation 7, to Nester Johnson Mfg. Co., extends the date by which the applicant was required to mark or tag its branded articles. The extension is granted on applicant's demonstration of its inability to preticket in the manner set forth in the special order by the date specified.

*Amendatory provisions.* Special Order 476 under Ceiling Price Regulation 7, section 43, is amended in the following respects:

1. In paragraph 2, substitute for the date "October 17, 1951," the date "January 2, 1952".

2. In paragraph 2, substitute for the date "November 16, 1951", wherever it appears, the date "February 2, 1952".

*Effective date.* This amendment shall become effective October 17, 1951.

MICHAEL V. DiSALLE,  
Director of Price Stabilization.

OCTOBER 17, 1951.

[F. R. Doc. 51-12654; Filed, Oct. 17, 1951;  
4:23 p. m.]

[Ceiling Price Regulation 7, Section 43,  
Special Order 576, Amdt. 1]

FISHER BRUCE & CO.

## CEILING PRICES AT RETAIL

*Statement of considerations.* The accompanying amendment to Special Order 576 under section 43 of Ceiling Price Regulation 7 modifies those provisions relating to preticketing usually required by orders of this type. This amendment, designed to meet the particular requirements of the dinnerware industry, accomplishes the objective of notifying consumers of the uniform prices fixed under the order.

*Amendatory provisions.* 1. Delete paragraph 3 of the special order and substitute therefor the following:

3. On and after December 17, 1951 Fisher, Bruce & Company must furnish each purchaser for resale to whom, within two months immediately prior to the effective date, the wholesaler had delivered any article covered by paragraph 1 of this special order, with a sign 8 inches wide and 10 inches high, a price book, and a supply of tags and stickers. The sign must contain the following legend:

The retail ceiling prices for Fisher, Bruce & Company dinnerware have been approved by OPS and are shown in a price book we have available for your inspection.

The price book must contain an accurate description of each article covered by paragraph 1 of this special order and the retail ceiling price fixed for each article. The front cover of the price book must contain the following legend:

The retail ceiling prices in this Fisher, Bruce & Company price book have been approved by the OPS under section 43, CPR 7.

The tags and stickers must be in the following form:

Fisher, Bruce & Co.  
OPS—Sec. 43—CPR 7  
Price \$-----

Prior to January 16, 1952, unless the retailer has received the sign described above and has it displayed so that it may be easily seen and a copy of the price book described above available for immediate inspection, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order. On and after January 16, 1952, no retailer may offer or sell any article covered by this order unless he has the sign described above displayed so that it may be easily seen and a copy of the price book described above available for immediate inspection. In addition, the retailer must affix to each article covered by the order and which is offered for sale on open display (except in show windows or decorative displays) a tag or sticker described above. The tag or sticker must contain the retail ceiling price established by this special order for the article to which it is affixed.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the wholesaler's application or changes the retail ceiling price of a listed article, the applicant named in this special order must, within 30 days after the effective date of the amendment, as to each such article, send an insertion stating the required addition or change for the price book described above. After 60 days from the effective date of the amendment, no retailer may offer or sell the article, unless he has received the insertion described above and inserted it in the price book. Prior to the expiration of the 60-day period, unless the retailer has received and placed the insertion in the price book, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

*Effective date.* This amendment shall become effective October 17, 1951.

MICHAEL V. DISALLE,  
Director of Price Stabilization.

OCTOBER 17, 1951.

[F. R. Doc. 51-12655; Filed, Oct. 17, 1951;  
4:23 p. m.]

[Ceiling Price Regulation 7, Section 43,  
Special Order 611, Amdt. 1]

WILLIAM HOLLINS & CO., INC.

#### CEILING PRICES AT RETAIL

*Statement of considerations.* This amendment to Special Order 611, issued under section 43 of Ceiling Price Regulation 7, William Hollins & Company, Inc., extends the date by which the applicant was required to mark or tag its branded articles. The extension is granted on applicant's demonstration of its inability to preticket in the manner set forth in the special order by the date specified.

*Amendatory provisions.* Special Order 611 under Ceiling Price Regulation 7, section 43, is amended in the following respects:

1. In paragraph 3, substitute for the date, "November 12, 1951," the date, "January 15, 1952".
2. In paragraph 3, substitute for the date, "December 11, 1951," wherever it appears, the date, "February 14, 1952".

*Effective date.* This amendment shall become effective October 17, 1951.

MICHAEL V. DISALLE,  
Director of Price Stabilization.

OCTOBER 17, 1951.

[F. R. Doc. 51-12656; Filed, Oct. 17, 1951;  
4:23 p. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 18558]

AUGUSTA KAUFMANN

In re: Stock owned by Augusta Kaufmann. F-28-23887-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Augusta Kaufmann, who there is reasonable cause to believe is a resident of Germany is a national of a designated enemy country (Germany);

2. That the property described as follows: Twenty-one (21) shares of no par value common capital stock (new) of United States Steel Corporation, 71 Broadway, New York 6, New York, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbered F21128 for five (5) shares and J81220 for two (2) shares (old) of no par value common capital stock of the aforesaid corporation, registered in the name of Augusta Kaufmann, together with all declared and unpaid dividends thereon, and any and all rights to receive a new certificate for twenty-one (21) shares of no par value stock of the aforesaid corporation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being

deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 51-12633; Filed, Oct. 19, 1951;  
8:59 a. m.]

[Vesting Order 18559]

JOHANNE RIETKOETTER

In re: Scrip certificate owned by Johanne Rietkoetter, also known as Johanna Rietkoetter. D-66-868.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johanne Rietkoetter, also known as Johanna Rietkoetter whose last known address is 21b Billerbeck 1/West Ostthellen 19, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All rights and interest in and under a scrip certificate of the Seaboard Trust Company in dissolution, Hoboken, New Jersey, numbered 5894 and issued in bearer form, including any and all rights to the proceeds of redemption thereof, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Johanne Rietkoetter, also known as Johanna Rietkoetter, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall

## NOTICES

have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 51-12634; Filed, Oct. 19, 1951;  
9:00 a. m.]

[Vesting Order 17442, Amdt.]

CERTAIN JAPANESE NATIONALS

In re: Checks owned by Japanese Nationals whose names are unknown.

Vesting Order 17442, dated February 26, 1951, is hereby amended as follows and not otherwise:

1. By deleting from Exhibit A, attached to any by reference made part of said Vesting Order 17442, the Check Numbered "34158" and substituting therefor the Number "94158".

2. By deleting from Exhibit A, attached to and by reference made a part of said Vesting Order 17442, the date "7/10/41" set for with respect to Check Numbered 75410 and substituting therefor the date "7/18/41".

3. By deleting from Exhibit A, attached to and by reference made a part of said Vesting Order 17442, the date "5/15/40" set forth with respect to Check Numbered N50227 and substituting therefor the date "7/15/40".

4. By deleting from Exhibit A, attached to and by reference made a part of said Vesting Order 17442, the name "K. Yamamoto" and substituting therefor the name "K. Yoshimoto."

5. By deleting from Exhibit A, attached to and by reference made a part of said Vesting Order 17442, the amount "\$24.90" set forth with respect to Check Numbered 91169 and substituting therefor the amount "\$24.50."

All other provisions of said Vesting Order 17442 and all actions taken by or

on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on October 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 51-12638; Filed, Oct. 19, 1951;  
9:00 a. m.]

[Vesting Order 18561]

DEUTSCHER FREIDENKER-VERBAND

In re: Securities owned by and debt owing to Deutscher Freidenker-Verband. F-7-3579.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutscher Freidenker-Verband, the last known address of which is Branschweig, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. All securities (including, without limitation, bonds, coupons, mortgage participation certificates, trust fund participation certificates, shares of stock, scrip and warrants) presently in the custody of the Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, in custody account FC-17479 in the name of Max Sievers, deceased, together with any and all

rights thereunder and thereto, and any and all declared and unpaid dividends on shares of stock, and

b. That certain debt or other obligation of the Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of a Custody Cash Account numbered FC-17479 in the name of Max Sievers, deceased, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Deutscher Freidenker-Verband, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 51-12636; Filed, Oct. 19, 1951;  
9:00 a. m.]